

Exhibit 1

In The Matter Of:

DIRECTV, LLC v.

Spina, et al.

Kent Mader

December 15, 2015

DIRECTV, LLC v. Spina, et al.

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Kent Mader
December 15, 2015
DIRECTV, LLC v. Spina, et al.

1

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION
CASE NO. 1:15-cv-00104-JMS-TAB

DIRECTV, LLC, a California)
limited liability company,)
Plaintiff,)
)
vs.)
)
VICTOR A. SPINA, JR., WILLIAM)
A. SPINA, JR., and)
MARTINSVILLE CORRAL, INC.,)
Defendants.)

IN THE MORGAN COUNTY CIRCUIT COURT
CAUSE NO. 55C01-1505-PL-0880

THE FARMERS AUTOMOBILE)
MANAGEMENT CORPORATION, as)
the Attorney-in-Fact for the)
Subscribers at The Farmers)
Automobile Insurance)
Association,)
Plaintiff,)
)
vs.)
)
WILLIAM SPINA and DIRECTV,)
LLC,)
Defendants.)

WILLIAM SPINA,)
Counter-Plaintiff,)
vs.)
)
THE FARMERS AUTOMOBILE)
MANAGEMENT CORPORATION, as)
the Attorney-in-Fact for the)
Subscribers at The Farmers)
Automobile Insurance)
Association,)
Counter-Defendant.)

**Kent Mader v. December 15, 2015
DIRECTV, LLC v. Spina, et al.**

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IN THE MORGAN COUNTY CIRCUIT COURT
CAUSE NO. 55C01-1507-CT-1181

VICTOR SPINA,)
)
 Plaintiff,)
)
 vs.)
)
 OWNERS INSURANCE COMPANY,)
)
 Defendant.)

OWNERS INSURANCE COMPANY,)
)
 Counter-Claimant,)
)
 vs.)
)
 VICTOR SPINA,)
)
 Counter-Defendant.)

OWNERS INSURANCE COMPANY,)
)
 Third-Party Plaintiff,)
)
 vs.)
)
 DIRECTV, LLC,)
)
 Third-Party Defendant.)

THE VIDEOTAPED DEPOSITION UPON ORAL EXAMINATION OF

K E N T M A D E R,

a witness produced and sworn before me,
Tracie L. Reemer, a Notary Public at large, in
and for the State of Indiana, taken on behalf of
the Defendants, at the offices of Overhauser Law
Offices, LLC, 101 West Ohio Street, Suite 2000,
Indianapolis, Marion County, Indiana, on December
15, 2015, commencing at approximately 9:06 a.m.,
pursuant to the Indiana Rules of Trial Procedure.

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(9:06 a.m.)

MR. OVERHAUSER: Today is Tuesday, December 15th. We are here for the deposition of Kent Mader, who is a 30(b)(6) representative in the case of DIRECTV vs. Victor Spina, et al, Case 15-cv-104-JMS-TAB, and the 30(b)(1) deposition in the case of Farmers Automotive -- Automobile Management Corporation vs. William Spina, Morgan Circuit Court, 55C01-1505-PL-880, and Victor Spina vs. Owners Insurance Company, Morgan Circuit Court, Case No. 55C01-1507-CT-1181.

Will you swear in the witness, please.

THE COURT REPORTER: Raise your right hand, please. Do you solemnly swear or affirm that the testimony you're about to give is the truth, the whole truth, and nothing but the truth?

THE WITNESS: I do.

THE COURT REPORTER: Thank you.

KENT MADER,
having been duly sworn to tell the truth, the whole truth, and nothing but the truth relating to said matter, is examined and testifies as follows:

1 DIRECT EXAMINATION,

2 QUESTIONS BY MR. OVERHAUSER:

3 Q. Can you state your name.

4 MR. LONSTEIN: Before we start, Mr.
5 Overhauser, stipulations. I assume we're going
6 to use the same 30-day review of the transcripts
7 for additions, deletions and corrections that we
8 used with your clients; is that correct?

9 MR. OVERHAUSER: Yes.

10 MR. LONSTEIN: All right. So that you
11 will provide a written -- I believe we sent ours
12 in a written transcript -- for Mr. Mader to
13 review and execute after the deposition, correct?

14 MR. OVERHAUSER: Do you want that sent
15 directly to you?

16 MR. LONSTEIN: Yes, please.

17 MR. OVERHAUSER: Well, then I'm sure
18 our court reporter can accommodate that.

19 MR. LONSTEIN: Right. In addition, I
20 don't know if other counsel wants to be heard on
21 the record. This is the first that DIRECTV is
22 learning that we are doing joint depositions
23 today with respect to two different state court
24 actions.

25 To that extent, it could result in some

1 conflagration of both the Federal Rules and the
2 Indiana State Rules, though they may be closely
3 aligned or modeled procedurally. I'm certain
4 there are some differences. To that effect, I
5 believe it's probably an improper process without
6 court intervention.

7 That being said, I'm going to note DIRECTV's
8 objection to the process for the record. For the
9 purpose of expediency, we can go ahead, and if we
10 have to, at some further point, make appropriate
11 application to motion to the appropriate court or
12 courts, since I believe there are now three
13 involved with respect to this.

14 Finally, it's noticed in the deposition that
15 there's audiovisual transcription of the
16 testimony as well as stenographic. I would like
17 to know what type of file is being used to record
18 the deposition transcript and make a request that
19 that file be placed after the deposition in the
20 possession of the transcriber, of the
21 stenographer, so that, as an officer of the
22 court, she will be able to be the custodian of
23 that document.

24 MR. OVERHAUSER: I can provide her with
25 a copy. It's an MP4 file.

1 MR. LONSTEIN: That's fine. So that
2 way we can get that copy simultaneously and you
3 can maintain it or your firm. Okay?

4 Counsel, sorry about that. I was a little
5 long-winded. It's my east-coastedness.

6 MS. DeVORE: No problem. My name is
7 Misti DeVore, and I represent Owners Insurance
8 Company in the Morgan County Circuit Court case.
9 It's under Cause No. 55C01-1507-CT-1181.

10 And Auto Owners -- or Owners also objects to
11 this deposition based on a couple of reasons:
12 One being that we only received notice of it
13 approximately a week ago, and we were not
14 contacted about the scheduling dates of this.
15 And we did have a conflict, so the counsel that's
16 primarily responsible for handling this couldn't
17 be here today.

18 So we did object to the deposition in and of
19 itself. We also object to the joint nature of
20 the deposition, as was set out by prior counsel
21 here today with regard to the difference in
22 rules, and we would reserve the right to object
23 to the use of testimony provided today in the
24 state court action, which we're involved.

25 We also reserve the right to again depose

1 DIRECTV, whether by 30(b)(6) or by a particular
2 representative, in the state court action
3 separately, based on the fact that it is a
4 separate action, there are different counsel
5 involved in that action, and under the rules in
6 Indiana, only counsel involved in the state court
7 action should be present at the time of that
8 deposition.

9 That's all I have.

10 MR. SMITH: Mark Smith. I represent
11 Farmers Automobile Management Corporation in the
12 case that's pending in Morgan Circuit Court under
13 Cause No. 55C01-1505-PL-0880. And in lieu of
14 repeating everything, I will just join in the
15 objections that have previously been presented by
16 counsel.

17 MR. LONSTEIN: I also have -- Wayne
18 Lonstein again -- one more statement. I believe
19 that Mr. Mader's deposition or anybody from
20 DIRECTV in the state court actions will probably
21 be done either procedurally through some
22 application, or subpoena, since DIRECTV's counsel
23 in those actions is not presently in the room.

24 However, I also want to state for the record
25 that the satellite subscriber information that

1 may be inquired about or discussed is of such a
2 nature that there may be issues where Mr. Mader
3 will not be able to testify with third parties in
4 the room. No disrespect intended but that's the
5 federal law. And there may be issues where we
6 will have to figure out some sort of construct to
7 figure out how that testimony gets treated at
8 that time.

9 But just so -- you may not be familiar, but
10 there's a very strict and personal information
11 federal statute that we have to be cognizant of
12 in these proceedings.

13 MR. OVERHAUSER: Okay. I would just
14 state for the record that counsel for DIRECTV in
15 both the state court actions is Michael Wilkins.
16 He was served with a copy of the Notice of
17 Deposition.

18 Also, I would point out that I believe we
19 had a protective order entered in the state court
20 case --

21 MR. LONSTEIN: And we do --

22 MR. OVERHAUSER: -- as well as the
23 federal court case.

24 MR. LONSTEIN: No, we don't have one in
25 the federal court case. And so until we get one

1 in place, that will also be an issue here.

2 MS. DeVORE: We also do not have one
3 yet for the Morgan County case.

4 MR. LONSTEIN: So I want to make sure
5 that that's known to the parties.

6 MR. OVERHAUSER: Okay.

7 BY MR. OVERHAUSER:

8 Q. Can you state your name for the record, please.

9 A. My name is Kent Mader, K-E-N-T, M-A-D-E-R.

10 Q. And what is your address?

11 A. 2260 East Imperial Highway, in El Segundo,
12 California 90245.

13 Q. And what is your residence address?

14 MR. LONSTEIN: Note my objection to the
15 record. That's not relevant. He's here on
16 behalf of DIRECTV. You don't have to answer that
17 question.

18 MR. OVERHAUSER: With all due respect,
19 I think it's improper for you to instruct the
20 witness not to answer a question. He can make
21 his own decision.

22 MR. LONSTEIN: Well, I think it's
23 privileged, and so to that extent, as a
24 representative of DIRECTV we can move on but I
25 don't think he has to give his home address.

1 BY MR. OVERHAUSER:

2 Q. Can you state your home address, please?

3 A. I choose not to.

4 Q. What is your business telephone number?

5 A. 310-964-5254.

6 (Defendants' Exhibit No. 1 was marked
7 for identification.)

8 BY MR. OVERHAUSER:

9 Q. Let me hand you what's been marked as Exhibit 1,
10 which is an Amended Notice of Deposition of
11 DIRECTV, LLC. It also includes the notices of
12 deposition for the two state court actions that
13 were referenced earlier in this transcript.

14 MR. LONSTEIN: Counsel, do you want to
15 see this? Because it's new to me.

16 I'm going to note for the record that
17 Exhibit 1, marked for identification, to the
18 extent it contains the state court action
19 reference or information, that Mr. Mader is here
20 in a federal court action, will be able to
21 address those things. But with respect, I would
22 object to any content from the state court action
23 serving as a basis for any testimony. Sorry.

24 BY MR. OVERHAUSER:

25 Q. Mr. Mader, pages 3 and 4 of Exhibit 1 are

1 30(b)(6) deposition topics. Do you see those?

2 A. I do.

3 Q. And are you DIRECTV's corporate representative
4 for each of the 23 topics listed in Schedule A in
5 Exhibit 1?

6 A. I am.

7 Q. And are you prepared to testify as to all 23
8 topics today?

9 A. Yes.

10 Q. Have you been deposed before?

11 A. I have.

12 Q. About how many times?

13 A. Less than ten.

14 Q. And have they been -- all been on behalf of
15 DIRECTV?

16 A. No.

17 Q. How many times have you been deposed on behalf of
18 DIRECTV?

19 A. All but one of those. I don't remember the exact
20 number of depositions I've been through.

21 Q. Okay. Can you tell me what you've done to
22 prepare for today's deposition?

23 A. I had a meeting with my counsel, in-house, as
24 well as Chris and Wayne.

25 Q. When you say your in-house counsel, who is that?

1 A. John Green.

2 Q. Did you talk to anyone besides your counsel and
3 John Green?

4 A. No.

5 Q. You didn't talk to Jose Cruz to prepare for this
6 deposition?

7 A. I did not.

8 Q. You didn't talk to Craig Spencer?

9 A. I did not.

10 Q. Did you review any documents to prepare for this
11 deposition?

12 A. Yes, I did.

13 Q. What documents did you review to prepare for this
14 deposition?

15 A. I reviewed some of the court documents. I'm not
16 a lawyer so I don't remember all of them, but I
17 reviewed the interrogatories and some of the
18 production documents, like the affidavits from
19 the auditor, as well as -- it would be the
20 declaration of Craig Spencer.

21 Q. Any other documents that you reviewed?

22 A. Not that I recall.

23 Q. Did you review any of DIRECTV's responses to
24 request for production of documents?

25 A. Yes, I believe so.

1 Q. Did you review DIRECTV's responses to request for
2 admission?

3 A. Yes, I believe so.

4 Q. Can you tell me -- just give me a brief outline
5 of your job history since, say, high school.

6 MR. LONSTEIN: Note my objection to the
7 form. You can answer.

8 A. Since high school?

9 Q. Yes.

10 A. I've had various jobs in college. Waiter. I
11 don't remember all of the jobs in college, but
12 after college I was working for Pricewaterhouse
13 Coopers as a public accountant, and subsequently
14 then I joined DIRECTV in a finance function, and
15 have been in different roles of the company for
16 19 years, and sales information technology,
17 customer care, supply chain, anti-piracy, and
18 more of a current capacity in risk management.

19 Q. You mention that you were working in risk
20 management presently?

21 A. Correct.

22 Q. And what is your present title?

23 A. Vice president.

24 Q. And how long have you been a vice president?

25 A. Probably five to six years.

1 Q. And has your -- are you a vice president of
2 something specific at DIRECTV?

3 A. Risk management.

4 Q. And have you had that title for the last five or
5 -- five to six years?

6 A. Yes.

7 Q. And what are your responsibilities as vice
8 president of risk management for DIRECTV?

9 A. I lead a team that is involved with credit
10 policy, fraud management, revenue assurance,
11 customer remittance processing, and collections,
12 whether it be first-party collections,
13 third-party collections, as well as an analytic
14 team that supports all of those functions.

15 Q. You mentioned fraud management. What is that?

16 A. It's an organization that identifies attempts to
17 mitigate as much fraud as DIRECTV can.

18 Q. What is -- what kind of fraud are you referring
19 to?

20 MR. LONSTEIN: Note my objection to the
21 form of the question.

22 A. Fraud could be identity theft, it could be people
23 manipulating their accounts to receive benefits,
24 whether they're paying a lower amount or no
25 amounts at all, and it could involve some other

1 sorts of activity where DIRECTV and our
2 legitimate customers are losing money.

3 Q. You mentioned a possible manipulation of accounts
4 by users. Can you describe the different ways in
5 which that might happen?

6 MR. LONSTEIN: Note my objection to the
7 form of the question. Do you understand it?

8 A. Could you please clarify it?

9 Q. You mentioned that one of your responsibilities
10 with regard to fraud management is investigating
11 instances in which DIRECTV accounts are
12 manipulated by users. How might a user
13 manipulate their DIRECTV account?

14 MR. LONSTEIN: Again, note my
15 objection. If you can answer.

16 A. The user may indicate that their account is in a
17 particular name when it may not be their name.
18 We have to rely on the subscribers to provide
19 legitimate information to the account so that we
20 can record it in our systems.

21 We are not there presently for every
22 application of DIRECTV across the country and so
23 therefore we rely on their information. They may
24 give us false information, and we record that in
25 our systems and treat it as such.

1 Q. You also mentioned that as part of fraud
2 management you investigate instances in which
3 legitimate customers have an issue.

4 MR. LONSTEIN: Note my objection to the
5 question. I believe that's stating facts he
6 didn't testify to. Can you rephrase it?

7 BY MR. OVERHAUSER:

8 Q. You mentioned something about legitimate
9 customers. Do you remember that?

10 A. Yes.

11 Q. What were you referring to, what type of
12 investigation goes on with respect to legitimate
13 customers?

14 A. Well, I believe the fraud management department
15 protects legitimate customers.

16 Q. From what?

17 A. From illegitimate customers.

18 Q. Okay. There are a number of terms that have come
19 up in the course of this litigation, and I'd just
20 like to go through them with you and ask you if
21 you understand what they are or whether they mean
22 anything to you.

23 The first one is "person." Do you know what
24 a person is?

25 MR. LONSTEIN: Note my objection. In

1 context, Paul? Is it calling for a legal
2 conclusion? If so, it's objectionable. Can you
3 contextualize the question?

4 MR. OVERHAUSER: You can just state
5 your -- if you have an objection --

6 MR. LONSTEIN: Well, that's --

7 MR. OVERHAUSER: -- you can just
8 state --

9 MR. LONSTEIN: All right.

10 MR. OVERHAUSER: -- you know, object to
11 the form of the question.

12 MR. LONSTEIN: Note my objection to the
13 form of the question.

14 BY MR. OVERHAUSER:

15 Q. Mr. Mader, do you have an understanding of what
16 the word "person" means?

17 A. Yes.

18 Q. What does a person mean to you?

19 MR. LONSTEIN: Again, note my
20 objection. It calls for a legal conclusion.

21 A. A human being.

22 Q. Do you know what the word "knowledge" means?

23 MR. LONSTEIN: May I say the same
24 objection so we can be quick?

25 MR. OVERHAUSER: Yes.

1 BY MR. OVERHAUSER:

2 Q. What does the word "knowledge" mean to you?

3 A. Having information and an understanding.

4 Q. What does the word "facts" mean to you?

5 MR. LONSTEIN: The same objection.

6 A. Evidence, I guess, something that can be proven.

7 Q. What does the word "initiated" mean to you?

8 MR. LONSTEIN: Note my objection.

9 A. Something that is started.

10 Q. What does the term "electronic communication"
11 mean to you?

12 MR. LONSTEIN: The same objection.

13 A. Transmission of information on an electric --
14 electronic medium.

15 Q. What does the term "date and time" mean to you?

16 MR. LONSTEIN: The same objection. Can
17 you separate them, please? It's compound,
18 there's two terms.

19 MR. OVERHAUSER: My question was with
20 respect to the term, not the word.

21 MR. LONSTEIN: Okay.

22 MR. OVERHAUSER: So I'll repeat the
23 question.

24 BY MR. OVERHAUSER:

25 Q. What does the term "date and time" mean to you?

1 A. A particular point in time.

2 Q. What does the term "communication" mean to you?

3 MR. LONSTEIN: The same objection.

4 A. Some sort of information that is being passed
5 from one person to another.

6 Q. What does the term "authorize" mean to you?

7 MR. LONSTEIN: The same objection.

8 A. That somebody has approved or activated
9 something.

10 Q. What does the word "receive" mean to you?

11 MR. LONSTEIN: The same objection.

12 A. Something was given of value that was received.

13 Q. The thing that is received must be of value for
14 it to be the word receive to apply, is that your
15 testimony?

16 MR. LONSTEIN: Note my objection to the
17 question.

18 A. I would clarify that and say maybe it doesn't
19 have to have value.

20 Q. What does the word "intercept" mean to you?

21 MR. LONSTEIN: Again, note my
22 objection; legal conclusion.

23 A. That something was received by another party.

24 Q. So any time something is received by another
25 party it's intercepted?

1 MR. LONSTEIN: Objection; form.

2 A. I meant another party was receiving it.

3 Q. Okay. So there's -- there would be two parties,
4 and one party might receive it, and if a
5 different party gets it, they would be
6 intercepting it?

7 MR. LONSTEIN: Objection to form.

8 A. That might be an example of that.

9 Q. What does the word "unlawfully" mean to you?

10 MR. LONSTEIN: Objection; it calls for
11 a legal conclusion.

12 A. That something was done against the law.

13 Q. What does the term "all witnesses" mean to you?

14 MR. LONSTEIN: The same objection.

15 A. I don't know.

16 Q. I'm sorry?

17 A. I don't know.

18 Q. What does the term "serial numbers" mean to you?

19 MR. LONSTEIN: The same objection.

20 A. A number that is assigned to an item.

21 Q. What does the term "representative" mean to you?

22 MR. LONSTEIN: The same objection.

23 A. Could you clarify?

24 Q. When referring to a person, what does the term
25 "representative" mean to you?

1 MR. LONSTEIN: The same objection.

2 A. That somebody might be acting on behalf of
3 another person.

4 Q. What does the term "located" mean to you?

5 MR. LONSTEIN: The same objection.

6 A. Something was given a proper place in terms of
7 the location.

8 MR. LONSTEIN: Mr. Overhauser, can I
9 ask you, when you're asking these questions, are
10 you asking Mr. Mader what his understanding is of
11 the word generally or related to this litigation;
12 in other words, do you want him to give you your
13 dictionary what it means to him, or related to
14 this litigation? Because it becomes somewhat of
15 a challenge and it may review -- remove some of
16 my objections if it's properly formatted so that
17 we know what context you're answer -- asking.

18 MR. OVERHAUSER: Thank you. I'm just
19 looking for him to answer the questions.

20 BY MR. OVERHAUSER:

21 Q. Mr. Mader, what does the word "smart card" mean
22 to you?

23 MR. LONSTEIN: Note my objection.

24 A. Access card.

25 Q. What does the term "associated" mean to you?

1 MR. LONSTEIN: The same objection.

2 A. In relation.

3 Q. What does the word "caused" mean to you?

4 MR. LONSTEIN: The same objection; it
5 calls for a legal conclusion.

6 A. Something that is made into effect.

7 Q. What does the word "deactivated" mean to you?

8 MR. LONSTEIN: The same objection.

9 A. Turned off.

10 Q. I've put a diagram over here. Let me -- and I'd
11 like for you to mark on it. What I'm trying to
12 understand --

13 A. You would like me to mark on it or not mark on
14 it?

15 Q. I would like you to mark on it. What I'm trying
16 to understand is just how signals that DIRECTV
17 transmits, where they -- where they begin and
18 where they end, and at one point during their
19 transmission are they encrypted versus
20 non-encrypted.

21 So if you look at the diagram next to you,
22 you can see that I wrote on the left-hand side, I
23 think, broadcaster and then DIRECTV. I drew a
24 picture of a satellite, an antenna, a receiver, a
25 smart card, a TV, and a person watching the TV.

1 Do you see that?

2 MR. LONSTEIN: Note my objection to the
3 question both in form and in substance. I'd like
4 to share it with counsel before the witness
5 testifies.

6 MR. OVERHAUSER: That's fine.

7 MR. LONSTEIN: This is not marked,
8 Mr. Overhauser.

9 MR. OVERHAUSER: Yeah. Why don't we go
10 ahead and mark that as Exhibit 2.

11 (Defendants' Exhibit No. 2 was marked
12 for identification.)

13 MR. LONSTEIN: With respect to
14 Exhibit 2 that you've just marked, you've
15 indicated in your question that it was a document
16 created by you, and to that extent we have not
17 had an opportunity to examine it, other than just
18 immediately. So that I'd like to note for the
19 record that it would be improper in form and in
20 legal conclusion as to any of the relationships
21 that you may be asking Mr. Mader to make based
22 upon the information you provide him. That being
23 said --

24 MR. OVERHAUSER: Okay.

25

1 BY MR. OVERHAUSER:

2 Q. Does DIRECTV transmit TV programming signals to
3 satellites?

4 MR. LONSTEIN: Note my objection to the
5 form.

6 A. Yes.

7 Q. Okay. When it transmits its programming to
8 satellites, are -- is the programming encrypted?

9 MR. LONSTEIN: The same, the same
10 objection, and it calls for a legal conclusion
11 with respect to "encrypted."

12 A. I believe so.

13 Q. Okay. And does the satellite rebroadcast the TV
14 programming signals back down to earth?

15 MR. LONSTEIN: Again, note my objection
16 to the form of the question, and again with the
17 legal conclusion required of "rebroadcast."

18 A. I believe so.

19 Q. Okay. I've marked on the diagram. You can
20 probably tell there's a dashed arrow going up to
21 a satellite and a dashed arrow going back down to
22 an antenna. Can you mark those two arrows with
23 the pink highlighter, please?

24 MR. LONSTEIN: Again, note my objection
25 to any testimony or writings that Mr. Mader gives

1 or makes with respect to this diagram, which we
2 have no reason to believe is either in scale,
3 accurate or representative of any of the
4 technology or facts in this case.

5 That being said, Mr. Mader, if you can do
6 that -- can you restate the question?

7 MR. OVERHAUSER: Can you repeat the
8 question?

9 THE COURT REPORTER: I'll just play it
10 back here.

11 (The requested material was played back
12 by the court reporter.)

13 A. (Witness complies.)

14 BY MR. OVERHAUSER:

15 Q. Okay. You marked just a portion of it. Is it
16 just encrypted for a part, or is it encrypted all
17 of the way from the satellite to the antenna and
18 all of the way from DIRECTV to the antenna?

19 MR. LONSTEIN: Again, I'll note my
20 objection to the legal conclusion of
21 "encryption."

22 I'll also object to the fact that we do not
23 have a protective order, and much of the
24 testimony, including items such as encrypton --
25 encryption are proprietary to DIRECTV and, slash,

1 or others. So I think that it is an area of
2 privilege.

3 To the extent that you're asking him
4 generically of his understanding, I'm okay with
5 that, but any specifics about the encryption
6 process and where it is in the system is a
7 proprietary source of information.

8 MR. OVERHAUSER: Okay.

9 BY MR. OVERHAUSER:

10 Q. Is it your understanding that the DIRECTV signals
11 from the ground all the way up to the satellite
12 are encrypted the entire distance?

13 A. I believe so.

14 Q. Can you mark the entire distance of that upward
15 arrow then with a pink highlighter, please?

16 MR. LONSTEIN: Which upward? That
17 would be --

18 MR. OVERHAUSER: From DIRECTV to the
19 satellite.

20 MR. LONSTEIN: The same objection.

21 A. (Witness complied.)

22 Q. And is it the same for the satellite down to the
23 antenna --

24 MR. LONSTEIN: Again --

25 Q. -- the entire distance?

1 MR. LONSTEIN: If you know.

2 A. I believe so.

3 Q. Okay. And when the signal -- is the DIRECTV
4 signal then carried from the antenna to a DIRECTV
5 receiver?

6 MR. LONSTEIN: Again, note both of my
7 same objections, and to the degree it calls for
8 the witness to speculate beyond his knowledge, if
9 it is, I would make that objection.

10 MR. OVERHAUSER: Mr. Lonstein --

11 MR. LONSTEIN: Yes.

12 MR. OVERHAUSER: We have a local rule
13 in here that discusses talking objections, and I
14 think you are making talking objections and I
15 request that you reframe from doing so. You can
16 make an objection, that is, you object to the
17 form of the question. If you need to object on
18 the grounds of privilege, you're allowed to
19 confer with the witness, but speaking objections
20 are improper, they violate the local rule. You
21 have been forewarned.

22 MR. LONSTEIN: Again, Mr. Overhauser,
23 thank you for that information. I think I'm
24 fully compliant.

25 Again, we're here under various sets of

1 local rules, state and federal, at our surprise,
2 and with respect to all of these issues, because
3 you are inquiring in areas of intellectual
4 property and other issues, this witness may not
5 have the authority to testify without a
6 protective order in place, which should be a
7 consideration between counsels, that never have
8 been brought up.

9 So we can have that spat in the talking
10 objection issue if you want, but I'm not going to
11 let a witness testify to things that he has no
12 authority to divulge. That being said, you can
13 inquire.

14 BY MR. OVERHAUSER:

15 Q. Mr. Mader, is it your understanding that the
16 DIRECTV signals, when transmitted between a
17 DIRECTV antenna and a DIRECTV receiver, are
18 encrypted?

19 A. I believe so.

20 Q. Okay. Can you mark that line with a pink
21 highlighter, please?

22 MR. LONSTEIN: When you say "that
23 line," which line would that be, Mr. Overhauser,
24 for the record?

25 MR. OVERHAUSER: The line between the

1 DIRECTV antenna and the receiver coming from the
2 left side of the receiver as shown.

3 MR. LONSTEIN: Is it possible to use
4 another -- well, okay. That's fine. Your
5 witness. Go on.

6 A. (Witness complied.)

7 Q. Is it your understanding that a DIRECTV receiver
8 has the capability of decrypting a DIRECTV
9 signal?

10 MR. LONSTEIN: The same objections with
11 respect that I had previously mentioned.

12 A. Yes.

13 Q. Okay. So is the signal that is output, is the
14 video signal that is output by a DIRECTV receiver
15 and goes to a TV, is that encrypted or decrypted?

16 MR. LONSTEIN: Again, objection to
17 form.

18 A. I don't know.

19 Q. Are DIRECTV receivers designed to be able to be
20 used with any type of television?

21 MR. LONSTEIN: Note my objection.

22 A. I don't know.

23 Q. What is -- what is your title again for DIRECTV?

24 A. Vice president of risk management.

25 Q. Did you have a title involving the term "Signal

1 Integrity" at one point?

2 MR. LONSTEIN: Note my objection.

3 A. Yes.

4 Q. In your capacity that involves single -- Signal
5 Integrity, are you familiar with the extent to
6 which DIRECTV encrypts signals?

7 MR. LONSTEIN: Note my objection to
8 form.

9 A. Yes.

10 Q. Do you have an opinion as to whether or not
11 DIRECTV signals that are remitted by a DIRECTV
12 receiver and go to a television for viewing are
13 encrypted?

14 MR. LONSTEIN: Note my objection;
15 calling the witness for an opinion is improper.

16 A. There are a lot of TVs. I don't know if they
17 work with all TVs.

18 Q. Okay. That's not my question. The question is
19 whether or not the signal is -- do you have an
20 opinion as to whether it is encrypted between the
21 two devices?

22 A. I don't know.

23 MR. LONSTEIN: The same, the same
24 objection.

25

1 BY MR. OVERHAUSER:

2 Q. Is DIRECTV programming encrypted when it is
3 displayed from a television so it can be viewed
4 by a person?

5 MR. LONSTEIN: Objection.

6 A. I don't know.

7 Q. You don't know if the picture on the TV is
8 encrypted or not?

9 MR. LONSTEIN: Objection; asked and
10 answered, argumentative.

11 A. I stated I don't know.

12 Q. Okay. DIRECTV gets its programming from
13 broadcasters, correct?

14 A. Yes.

15 Q. Okay. Do you know whether the signals that
16 DIRECTV receives from broadcasters are encrypted?

17 MR. LONSTEIN: Note my objection with
18 respect to form, and again, some of the
19 privileges used that I mentioned.

20 A. I don't know.

21 Q. Do DIRECTV receivers include a smart card?

22 MR. LONSTEIN: Note my objection to
23 form and time. Can we get a time, or are you
24 asking generically?

25 A. There are typically smart cards in receivers.

1 Q. Do you know what the function of a smart card is
2 in a DIRECTV receiver?

3 MR. LONSTEIN: The same objection.

4 A. Yes.

5 Q. What is it?

6 A. It's typically to decrypt a signal.

7 Q. Will a DIRECTV receiver decrypt a TV signal
8 without -- if it does not have a smart card?

9 MR. LONSTEIN: Note my objection to
10 form and content.

11 A. Could you repeat the question?

12 Q. Can a DIRECTV receiver that is missing a smart
13 card decrypt a DIRECTV signal?

14 MR. LONSTEIN: Objection; hypothetical.

15 A. I don't think so.

16 Q. Is DIRECTV able to send signals through its
17 satellites to activate and deactivate specific
18 DIRECTV receivers?

19 MR. LONSTEIN: Objection to form,
20 proprietary.

21 A. Yes.

22 MR. LONSTEIN: Mr. Overhauser, just for
23 the record, I am willing to save some time if we
24 get to an agreement here today that we reach a
25 protective order that will address these issues.

1 It'll speed up me having to say that protective
2 testimony. We just don't have that in place,
3 so --

4 MR. OVERHAUSER: Yeah, that's fine.

5 MR. LONSTEIN: Understand, you know, as
6 you can understand as an intellectual property
7 attorney, we want to make sure that this doesn't
8 get into the public domain. So that's the point.
9 I just want to put on the record for you, I'm
10 trying to accommodate.

11 MR. OVERHAUSER: I appreciate that.

12 MR. LONSTEIN: Okay.

13 MR. OVERHAUSER: The Southern District
14 of Indiana has a standard protective order that
15 it uses for all of its --

16 MR. LONSTEIN: Right. And we just have
17 to get it executed so we can --

18 MR. OVERHAUSER: That form of agreement
19 is acceptable to me.

20 MR. LONSTEIN: We'll have to get --
21 once we're executed, then we'll be in a better
22 position.

23 MR. OVERHAUSER: I'd like for you to
24 pass around just a copy of the First Amended
25 Complaint. Here, I'll give one to you and --

1 MR. SMITH: Okay.

2 MR. OVERHAUSER: I don't care which one
3 of you hands it to the witness, but I know
4 there's two copies that needs to go to the
5 witness.

6 (Defendants' Exhibit No. 3 was marked
7 for identification.)

8 BY MR. OVERHAUSER:

9 Q. Let me hand you what's been marked as Exhibit 3.
10 Have you ever seen this document before?

11 A. I believe so.

12 Q. Is this one of the documents that you reviewed in
13 preparation for this deposition?

14 A. Yes.

15 (Defendants' Exhibit No. 4 was marked
16 for identification.)

17 BY MR. OVERHAUSER:

18 Q. Let me hand you what's been marked as Exhibit 4
19 and ask you the same thing, which is the
20 complaint from the DIRECTV suit against Victor
21 Spina in Civil Action 105.

22 MR. SMITH: Which one is that? Oh,
23 this is the Martinsville Corral, right?

24 MR. LONSTEIN: Right, that was --

25 MR. SMITH: The Martinsville Texas

1 Corral before consolidation?

2 MR. LONSTEIN: Right, before
3 consolidation.

4 MR. SMITH: Thank you.

5 BY MR. OVERHAUSER:

6 Q. So have you seen the complaint marked as
7 Exhibit 4 before?

8 A. Yes.

9 Q. And did you also review it before today's
10 deposition?

11 A. Yes.

12 Q. Okay. Did you review each of the complaints in
13 Exhibit 3 and 4 before they were filed?

14 MR. LONSTEIN: Note my objection. You
15 can answer.

16 A. I don't think so.

17 Q. Did anyone at DIRECTV review the complaints
18 comprising Exhibits 3 and 4 before they were
19 filed?

20 MR. LONSTEIN: Note my objection to the
21 issue of attorney/client privilege. You can
22 answer if you know.

23 A. I don't know.

24 Q. Let me direct your attention to Exhibit 3, and
25 specifically paragraph 5 on page 3 of Exhibit 3.

1 The last sentence of paragraph 5 begins with a
2 statement: DIRECTV holds proprietary rights to
3 the satellite programming it transmits. Do you
4 see that?

5 A. I do.

6 Q. Okay. Is that a correct allegation?

7 MR. LONSTEIN: Note my objection; it
8 calls for a legal conclusion, and to form.

9 A. I don't know.

10 Q. So you don't know whether DIRECTV holds
11 proprietary rights to the satellite programming
12 it transmits?

13 MR. LONSTEIN: Asked and answered.

14 A. No.

15 Q. Who would know?

16 A. Someone in our programming department.

17 Q. Did you talk with anyone in your programming
18 department in preparation for this deposition?

19 A. No.

20 Q. Let me direct your attention to paragraph 13 of
21 the complaint.

22 MR. LONSTEIN: Which complaint,
23 Mr. Overhauser?

24 MR. OVERHAUSER: The same complaint,
25 Exhibit 3.

1 MR. LONSTEIN: Paragraph 13?

2 MR. OVERHAUSER: Yes.

3 MR. LONSTEIN: Page 4?

4 MR. OVERHAUSER: On page 4.

5 BY MR. OVERHAUSER:

6 Q. Paragraph 13 reads: Upon information and belief,
7 Victor A. Spina a/k/a Victor A. Spina, Jr., and
8 William Spina a/k/a William Anthony Spina, Jr.,
9 were the individuals with supervisory capacity
10 and control over the activities occurring within
11 the establishment known as Texas Corral a/k/a
12 Shelbyville Texas Corral on June 4 of 2014.

13 What facts has DIRECTV had that support that
14 allegation?

15 MR. LONSTEIN: Note my objection to the
16 extent it calls for attorney/client or attorney
17 work product or investigative work product. You
18 can answer.

19 A. I don't know.

20 Q. You don't know why DIRECTV made this allegation?

21 MR. LONSTEIN: Objection; asked and
22 answered.

23 A. I don't know if they are the individuals with
24 supervisory capacity over the activities at that
25 location or that corporation.

1 Q. Okay. Paragraph 15, which is on pages 4 to 5,
2 alleges that Victor Spina and William Spina,
3 quote, were individuals with close control over
4 the internal operating procedures and employment
5 practices of Martinsville Corral, Inc. d/b/a
6 Texas Corral a/k/a Shelbyville Texas Corral on
7 June 4, 2014.

8 Does DIRECTV have any facts to support that
9 allegation?

10 MR. LONSTEIN: The same objection.

11 A. I don't know.

12 Q. Paragraph 19 of the complaint begins with a
13 sentence: On or before June 5, 2014 --

14 MR. LONSTEIN: I'm sorry, we're talking
15 Exhibit 3, for the record?

16 MR. OVERHAUSER: Yeah.

17 BY MR. OVERHAUSER:

18 Q. Again, paragraph 19 begins with the statement:
19 On or about June 4, 2014, Defendants did not have
20 a valid commercial account -- I'm sorry, let me
21 strike that.

22 Paragraph 19 says: On or about June 4,
23 2014, Defendants did not have a valid commercial
24 account with DIRECTV.

25 Do you see that?

1 A. I do.

2 Q. Okay. How does DIRECTV determine whether an
3 account is commercial or not?

4 MR. LONSTEIN: Objection to form and
5 legal conclusion. You can answer.

6 A. We determine whether the account is commercial or
7 not by looking at the account type.

8 Q. Where is the account type --

9 MR. LONSTEIN: Objection.

10 Q. -- information stored?

11 MR. LONSTEIN: Objection to form; the
12 same, the privilege argument. You can answer.

13 A. In multiple systems.

14 Q. Where are there multiple systems located?

15 MR. LONSTEIN: The same objection.

16 A. I don't know.

17 Q. What are the names of the multiple systems?

18 MR. LONSTEIN: The same objection.

19 A. While it not be a comprehensive list, I would
20 think that there'd be an ordering system. I
21 don't necessarily know the exact name of that,
22 and there'd be a billing system which is called
23 STMS.

24 Q. And who puts -- who designates an account as
25 being a commercial or some other kind of account

1 at DIRECTV?

2 MR. LONSTEIN: Note my objection; legal
3 conclusion.

4 A. It's most likely the respective sales channel
5 that creates the account.

6 Q. What is the sales channel, what do you mean by
7 that term?

8 A. A specific channel that DIRECTV uses to perform a
9 sale.

10 Q. Does that include persons that are not employees
11 of DIRECTV?

12 MR. LONSTEIN: Objection to the term
13 "employees," legal conclusion.

14 A. Yes, I believe so.

15 Q. Would that include DIRECTV agents or
16 representatives?

17 MR. LONSTEIN: Again, the terms call
18 for legal conclusions.

19 A. Yes.

20 Q. So does DIRECTV utilize various DIRECTV
21 representatives throughout the country?

22 MR. LONSTEIN: Objection to form.

23 A. We use independent contractors around the
24 country.

25 Q. And are they authorized to sign customers up for

1 DIRECTV accounts?

2 MR. LONSTEIN: Objection to form and
3 conclusion.

4 A. Yes.

5 Q. About how many of these representatives does
6 DIRECTV have around the United States?

7 MR. LONSTEIN: Objection.

8 A. I don't know.

9 Q. Do you have -- what's your best estimate?

10 MR. LONSTEIN: Objection.

11 A. In the thousands.

12 Q. And the DIRECTV representatives are authorized to
13 access DIRECTV's systems that record whether
14 account -- an account is commercial or
15 noncommercial?

16 MR. LONSTEIN: Objection to form and
17 conclusion.

18 A. I don't know.

19 Q. What are the different types of accounts that
20 DIRECTV has?

21 MR. LONSTEIN: Objection to form. Time
22 frame, Mr. Overhauser, are you asking --

23 A. There are residential and there are commercial
24 accounts.

25 Q. So there's only two types?

1 A. Two basic types.

2 Q. Let me direct your attention to paragraph 28.

3 MR. LONSTEIN: Still on Exhibit 3?

4 MR. OVERHAUSER: Yeah, which is on
5 page 8.

6 BY MR. OVERHAUSER:

7 Q. Paragraph 28 includes the phrase "goodwill and
8 reputation." Do you see that in the middle?

9 A. I do.

10 Q. Does -- in this complaint is DIRECTV alleging
11 that its goodwill and reputation have been
12 damaged by the actions of the defendants?

13 MR. LONSTEIN: Objection to form.

14 A. It appears so.

15 Q. And let me direct your attention -- and in this
16 complaint is DIRECTV seeking actual damages?

17 MR. LONSTEIN: Objection. When -- are
18 we referring again to Exhibit 3, Mr. Overhauser?

19 MR. OVERHAUSER: Yes.

20 MR. LONSTEIN: Okay. Objection to
21 legal conclusions.

22 A. Can you point to where in the complaint?

23 Q. Fair enough. Let me direct your attention to
24 page 11 of Exhibit 3.

25 A. Okay.

1 Q. And specifically to subsection C. I'll just read
2 this section out loud for you.

3 C. Award DIRECTV statutory damages in the
4 amount of the greater of \$10,000 or \$100 per day
5 for each day Defendants violated 18 U.S.C.
6 Section 12 - 2511 or alternatively, DIRECTV
7 requests judgment for actual damages -- so on and
8 so forth. Is --

9 MR. LONSTEIN: Objection to form.

10 MR. OVERHAUSER: I haven't even asked a
11 question yet, Counsel.

12 MR. LONSTEIN: That's the form.

13 MR. OVERHAUSER: That's not funny.

14 BY MR. OVERHAUSER:

15 Q. Is DIRECTV seeking actual damages by the
16 complaint shown in Exhibit 3?

17 MR. LONSTEIN: Objection.

18 A. It appears so, as an alternative.

19 Q. Okay. And in subparagraph D of that same page,
20 it again seeks actual damages under 47 U.S.C.
21 605; would you agree?

22 MR. LONSTEIN: Objection.

23 A. Could you point me to that?

24 Q. In subsection D, the phrase "actual damages"
25 appears in the last three lines of subsection D.

1 Do you see that?

2 A. I do.

3 MR. LONSTEIN: The same objection.

4 BY MR. OVERHAUSER:

5 Q. Just so we're clear, is DIRECTV also seeking
6 actual damages from the defendants pursuant to
7 subsection D on page 11 of Exhibit 3?

8 MR. LONSTEIN: Objection. The question
9 misstates the document.

10 A. It appears so.

11 Q. And are the actual damages that DIRECTV is
12 seeking, do they include damages to its goodwill
13 or reputation?

14 MR. LONSTEIN: Objection; it calls for
15 a legal conclusion.

16 MR. SMITH: I'm also going to object
17 because that misstates the prayer for relief.
18 There is nothing in a prayer that talks about
19 damages for goodwill or reputation.

20 MS. DeVORE: I'll join in the
21 objection.

22 A. I don't know.

23 Q. Who would know?

24 MR. LONSTEIN: Objection.

25 A. Our attorneys.

1 Q. Okay. If DIRECTV's goodwill or reputation was
2 damaged, would DIRECTV want compensation for that
3 damage and --

4 MR. LONSTEIN: Objection; hypothetical.

5 A. I don't know.

6 MR. SMITH: Show me joining in the
7 objection on that question.

8 MR. LONSTEIN: Can I -- Paul, while
9 you're looking, what's your comfort level? We
10 are about an hour in. Do you need a break at any
11 particular time, do you want to --

12 THE WITNESS: Yeah, within the next few
13 minutes that'd be great.

14 MR. LONSTEIN: Paul, can you build in
15 somewhere that maybe, you know, a quarter after
16 the hour or something we'll take a couple
17 minutes --

18 MR. OVERHAUSER: Sure.

19 MR. LONSTEIN: -- comfort break? Thank
20 you.

21 MR. OVERHAUSER: Yeah. Let me just ask
22 about this exhibit, then we can take a break.

23 THE WITNESS: Thank you.

24 (Defendants' Exhibit No. 5 was marked
25 for identification.)

1 BY MR. OVERHAUSER:

2 Q. Let me hand you what's been marked as Exhibit 5.

3 A. Am I done with this exhibit for now?

4 Q. Well, you can set it aside.

5 A. Okay.

6 Q. I may come back to it.

7 Exhibit 5 is a document that has been
8 produced to us by DIRECTV, and it appears to be
9 some type of terms and conditions. Have you ever
10 seen the terms and conditions shown in Exhibit 5?

11 MR. LONSTEIN: Objection to form;
12 objection to the phrase "terms and conditions."
13 You can answer.

14 A. I believe I've seen this before.

15 Q. Let me direct your attention to the third page of
16 this document, and in particular, subparagraph H
17 on that page. I believe it's Section 1, sub H,
18 entitled "Private Viewing." Do you see that?

19 A. I do.

20 Q. The first sentences of this says: We provide
21 service only for your private non-commercial use,
22 enjoyment and home viewing. The programming may
23 not be viewed in areas open to the public or in
24 commercial establishments.

25 Does DIRECTV attempt to exercise privacy

1 rights with respect to its programming by this
2 subsection 1H?

3 MR. LONSTEIN: Objection to form.

4 A. I don't know.

5 Q. Who would know?

6 A. Our lawyers.

7 Q. Okay. You've been designated as a 30(b)(6)
8 representative for DIRECTV. One of the topics is
9 any agreements that DIRECTV claims to have with
10 its subscribers. Are you saying that you're not
11 prepared to talk about the terms of Section 1H
12 today at this deposition?

13 MR. LONSTEIN: Objection;
14 argumentative, and misstates his testimony.

15 A. I can't talk about it.

16 Q. Because you don't know?

17 MR. LONSTEIN: Objection.

18 BY MR. OVERHAUSER:

19 Q. Let me restate that. Are you saying that you
20 don't know whether or not DIRECTV attempts to
21 create privacy rights through this Section 1H,
22 entitled "Private Viewing"?

23 MR. LONSTEIN: Objection to form.

24 A. Yes. I don't know, I'm not a lawyer.

25 MR. OVERHAUSER: Do you want to take a

1 break now?

2 THE WITNESS: Sure.

3 MR. LONSTEIN: Sure.

4 THE WITNESS: Thank you.

5 (A brief recess is taken, after which
6 the following proceedings are had.)

7 BY MR. OVERHAUSER:

8 Q. Mr. Mader, has Craig Spencer been a
9 representative of DIRECTV?

10 MR. LONSTEIN: Objection.

11 A. I believe he's an independent contractor of
12 DIRECTV.

13 Q. That's good to know. But my question was whether
14 he has been a representative of DIRECTV.

15 MR. LONSTEIN: Objection; calls for a
16 legal conclusion.

17 A. I know him as an independent contractor. I don't
18 necessarily know the legal definitions of a
19 representative versus an independent contractor.

20 Q. Well, what does he do as an independent
21 contractor for DIRECTV?

22 A. I believe he's -- he is or has been a dealer of
23 ours.

24 Q. What does a dealer of DIRECTV do?

25 A. They solicit and sell customers service.

1 Q. DIRECTV services?

2 A. Yes.

3 Q. So they would represent DIRECTV services to
4 customers?

5 MR. LONSTEIN: Objection to form.

6 A. In that context, it appears, yes.

7 Q. So would it be -- would it be fair to say that
8 Craig Spencer has been a representative for
9 DIRECTV?

10 MR. LONSTEIN: Objection to form.

11 A. In that context, I agree with that.

12 Q. And in that capacity would DIRECTV have the
13 ability to sign up customers of DIRECTV?

14 MR. LONSTEIN: Objection to form.

15 A. Can you repeat the question?

16 Q. In that capacity would Craig Spencer have had a
17 right to subscribe customers to DIRECTV's
18 services?

19 MR. LONSTEIN: Objection to form.

20 A. Yes.

21 Q. So by subscribing a customer to DIRECTV services,
22 that would entitle the customer to receive
23 DIRECTV programming, correct?

24 MR. LONSTEIN: Objection to form.

25 A. Yes.

1 Q. And once a customer has been signed up -- let me
2 strike that.

3 Once a customer has been subscribed by Craig
4 Spencer, DIRECTV would be obligated to provide
5 that customer with DIRECTV programming, correct?

6 MR. LONSTEIN: Objection to form and
7 legal conclusion.

8 A. We would provide service to that customer, yes.
9 I don't know about obligated, but we provide
10 service.

11 Q. Well, could Craig Spencer have signed up a
12 DIRECTV customer on his own, or would he have
13 been required to, in every instance, get approval
14 in advance by somebody else of DIRECTV?

15 MR. LONSTEIN: Objection to form and
16 hypothetical.

17 A. Craig Spencer would work in conjunction with
18 DIRECTV. I wouldn't necessarily say he has to
19 have it approved by DIRECTV.

20 Q. Would Craig Spencer have been able to get a
21 customer subscribed to DIRECTV without ever
22 talking to anybody else at DIRECTV?

23 MR. LONSTEIN: Objection to form.

24 A. Yes.

25 Q. And what steps would Craig Spencer or another

1 representative do to cause a customer to have a
2 DIRECTV subscription?

3 MR. LONSTEIN: Objection to form.

4 A. They could either talk to DIRECTV and ask to
5 activate the account, or they might be able to do
6 it online electronically without speaking to a
7 DIRECTV person.

8 Q. So Craig Spencer would be able to subscribe a
9 customer to DIRECTV services online?

10 MR. LONSTEIN: The same objection.

11 A. He may.

12 Q. Could they also -- could he also subscribe a
13 DIRECTV customer via a touchtone telephone?

14 MR. LONSTEIN: The same objection.

15 A. I don't know.

16 Q. Can you describe in as much detail as you can the
17 specific steps that a representative like Craig
18 Spencer would do to subscribe a customer to
19 DIRECTV services online?

20 MR. LONSTEIN: Objection.

21 A. He would use an online system to input the
22 necessary information and request an activation.

23 Q. What information would need to be input for the
24 customer?

25 MR. LONSTEIN: Note my objection to

1 form. And we're not asking a specific, just in
2 general?

3 A. It would include, and may not be comprehensive,
4 but it would include the customer information,
5 such as location, it could be a name or it could
6 be a business name, consumer name or a business
7 name, it could be the account type as we
8 referenced before, commercial or residential, and
9 it would include the set-top boxes that are
10 associated with that new activation.

11 Q. How would the set-top boxes be identified?

12 A. Through their serial numbers.

13 Q. So is a set-top box the same thing as a DIRECTV
14 receiver?

15 A. Yes.

16 Q. And each one has a unique serial number?

17 A. I believe so.

18 Q. Does DIRECTV ship DIRECTV receivers directly to
19 consumers?

20 MR. LONSTEIN: Objection.

21 A. Yes.

22 Q. Does DIRECTV ship DIRECTV receivers to its
23 representatives like Craig Spencer?

24 MR. LONSTEIN: Objection.

25 A. I believe so.

1 Q. Does DIRECTV keep track of, for each receiver it
2 ships, to whom it ships the receiver?

3 MR. LONSTEIN: Objection to form.

4 A. I don't know.

5 Q. Has DIRECTV ever investigated the serial numbers
6 on the receivers that were associated with the
7 DIRECTV account that is at issue in this
8 litigation?

9 MR. LONSTEIN: Objection to form, to
10 the extent that he can answer yes or no without
11 divulging any attorney work product.

12 A. I believe so.

13 Q. And what have you learned from that
14 investigation?

15 A. Could you clarify the question?

16 Q. I believe you testified that DIRECTV has
17 investigated whom the receivers that were
18 associated with the DIRECTV subscription in this
19 case were originally sent to by DIRECTV.

20 A. Were originally sent to by DIRECTV? I'm not
21 understanding that part.

22 Q. Yeah, this is getting confusing. I'll ask it in
23 another way.

24 There are a variety of DIRECTV receivers
25 that have been associated with the DIRECTV

1 account at issue in this case, right?

2 MR. LONSTEIN: Objection to form.

3 A. Yes, I believe so.

4 Q. And has anyone at DIRECTV ever looked up the
5 serial numbers of those receivers to see to whom
6 they were shipped?

7 MR. LONSTEIN: The same objection.

8 A. I don't know.

9 Q. Are you ever aware of any instance in which a
10 representative of DIRECTV that signs up a
11 customer has made a mistake in entering a
12 customer's information into the DIRECTV online
13 system?

14 MR. LONSTEIN: Objection to form, it
15 calls for a hypothetical.

16 A. Yes.

17 Q. So do DIRECTV's systems that it uses to track
18 information about its subscribers have one
19 hundred percent correct information all the time?

20 MR. LONSTEIN: Objection to form.

21 A. No.

22 Q. So DIRECTV systems that it uses to track customer
23 information has mistaken information in it,
24 correct?

25 MR. LONSTEIN: Objection to form,

1 assumes facts not testified to.

2 A. Yeah. If it's not a hundred percent, there might
3 be some errors in there.

4 Q. Did Craig Spencer provide the information used to
5 set up the account for the DIRECTV subscription
6 that's at issue in this litigation?

7 A. I don't know.

8 Q. Do you know whether the DIRECTV subscription that
9 is at issue in this litigation is associated with
10 Craig Spencer?

11 MR. LONSTEIN: Objection to form and
12 the term "associated."

13 A. I believe so.

14 Q. And how did you come to that conclusion?

15 A. Speaking with counsel.

16 Q. Did you look up any information in DIRECTV's
17 customer information database to verify that?

18 A. I did.

19 Q. And did it confirm that Craig Spencer was
20 associated with the DIRECTV subscription that is
21 at issue in this litigation?

22 A. Upon looking at those documents, I do not
23 remember.

24 Q. But based on the conversations you've had with
25 DIRECTV's attorneys, you now believe that Craig

1 Spencer set up the account?

2 MR. LONSTEIN: Objection to form.

3 A. I don't know.

4 Q. Okay, forgive me. I thought you just testified a
5 minute ago that Craig Spencer was associated with
6 the subscription that's at issue in this
7 litigation.

8 A. That's correct.

9 Q. But now you say you don't know.

10 MR. LONSTEIN: Objection.

11 Q. Can you explain?

12 A. Sure. I believe your question was something to
13 the effect of whether Craig Spencer set the
14 account up. I don't know that. He's associated
15 with the account, based on my conversations with
16 legal counsel, but I do not know whether he set
17 it up personally.

18 Q. Okay. Is it your understanding that whoever did
19 set it up used Craig Spencer's dealer number to
20 do so?

21 MR. LONSTEIN: Objection.

22 A. Yes.

23 Q. Is it your understanding that Craig Spencer or
24 persons acting at his direction installed the
25 DIRECTV receivers at the Shelbyville Texas Corral

1 and the Martinsville Texas Corral?

2 MR. LONSTEIN: Objection to form.

3 A. I don't know.

4 Q. Do you have any idea at all who installed the
5 DIRECTV receivers that are located -- strike
6 that.

7 Do you have any idea at all who installed
8 the DIRECTV receivers that were located at the
9 Shelbyville Texas Corral and the Martinsville
10 Texas Corral?

11 MR. LONSTEIN: Objection to form.

12 A. I don't.

13 Q. Do you have any reason to believe that Craig
14 Spencer or persons operating at his direction did
15 not install those receivers at the Shelbyville
16 Texas Corral and Martinsville Texas Corral?

17 MR. LONSTEIN: Form.

18 A. I don't know.

19 Q. Is it your understanding that someone affiliated
20 with Craig -- strike that.

21 Is it your understanding that someone using
22 Craig Spencer's DIRECTV dealer number specified
23 the subscription type for the DIRECTV receivers
24 located at the Shelbyville Texas Corral and the
25 Martinsville Texas Corral?

1 MR. LONSTEIN: Objection to form.

2 A. I don't know.

3 Q. Does DIRECTV have any information that would
4 contradict the assertion that Craig Spencer or
5 persons at his direction installed the DIRECTV
6 receivers at the Shelbyville Texas Corral and the
7 Martinsville Texas Corral?

8 MR. LONSTEIN: Objection to form.

9 A. I don't think so.

10 Q. Does DIRECTV have any information that would
11 contradict the assertion that Craig Spencer or
12 persons working at his direction set up the
13 subscription for the DIRECTV receivers located at
14 the Shelbyville Texas Corral and the Martinsville
15 Texas Corral?

16 MR. LONSTEIN: The same objection.

17 A. I don't know.

18 Q. You don't know whether DIRECTV has any
19 information that would contradict that assertion
20 or --

21 MR. LONSTEIN: Asked and answered.

22 Q. -- you don't know or you're not aware of any
23 information that contradicts the assertion?

24 A. I don't know.

25 Q. Did DIRECTV take any action that caused the

1 DIRECTV receivers at the Shelbyville Texas Corral
2 and the Martinsville Texas Corral to be able to
3 receive satellite programming from DIRECTV?

4 MR. LONSTEIN: Objection to form.

5 A. Could you clarify the question?

6 Q. Okay. When a new customer get a subscription to
7 DIRECTV and gets a DIRECTV receiver, does DIRECTV
8 need to authorize that receiver by sending it a
9 signal?

10 MR. LONSTEIN: Objection to form.

11 A. Yes.

12 Q. Did DIRECTV authorize the receivers that were
13 located at the Shelbyville Texas Corral and the
14 Martinsville Texas Corral so that they were able
15 to receive satellite programming from DIRECTV?

16 MR. LONSTEIN: Objection to form.

17 A. I believe so.

18 Q. Just so we're clear, is it your understanding
19 that the DIRECTV receivers located at the
20 Martinsville Texas Corral and Shelbyville Texas
21 Corral were associated with DIRECTV account
22 number -- I think it's on here -- 45448353?

23 MR. LONSTEIN: Objection to form, and
24 also to the extent that it seeks any identifiers
25 with respect to a possible individual satellite

1 viewer's account, you're not allowed to answer
2 that. If you know.

3 A. Can you point me to what you're referencing?

4 MR. LONSTEIN: And to the extent, for
5 the record, Paul, to save time, that we get a
6 protective order in place, we can leave some
7 blanks in the transcript so that Mr. Mader can
8 provide authorized information to the degree it's
9 relevant to save time.

10 MR. OVERHAUSER: Well, that's fine. I
11 just hope we won't have any problems with
12 over-designations. I'm just asking about
13 information that's already in the complaint that
14 you filed.

15 (Defendants' Exhibit No. 6 was marked
16 for identification.)

17 BY MR. OVERHAUSER:

18 Q. I've handed you what has been marked as
19 Exhibit 6. Have you seen this document before?

20 A. I have not.

21 Q. Have you seen -- do you recognize it from the
22 format that it's in?

23 A. I do.

24 Q. What would you call this type of document?

25 A. It's an order form.

1 Q. And this indicates that this contains the legend
2 dealer, 1311782. Do you see that?

3 A. Can you point me to where you're looking at?

4 Q. (Indicating.)

5 A. I see that.

6 Q. Okay. Is that the dealer number for Craig
7 Spencer?

8 A. I don't know.

9 Q. How would you find out whether or not it is?

10 A. I would ask somebody in our sales department.

11 Q. Is this an order form for a DIRECTV subscription
12 that has been assigned DIRECTV account number
13 45448353?

14 A. Can you point to me where you're looking at?

15 Q. (Indicating.)

16 MR. LONSTEIN: Let the record reflect
17 that Mr. Overhauser has pointed to the middle of
18 page 1 of Exhibit 6 under the title -- do you
19 have this, by the way?

20 MS. DeVORE: Yes.

21 MR. LONSTEIN: I'm sorry.

22 MS. DeVORE: That's okay.

23 MR. LONSTEIN: Under the title "DIRECTV
24 Order Information."

25 A. Could you repeat the question?

1 Q. Sure. Does Exhibit 6 reflect a DIRECTV
2 subscription for DIRECTV account number 45448353?

3 A. It appears so.

4 Q. And does it appear to show that the subscription
5 was initiated by the dealer having a dealer
6 number of 1311782?

7 MR. LONSTEIN: Again, objection to
8 form.

9 A. Yes.

10 Q. Does Exhibit 6 indicate anywhere on it whether
11 the subscription is a residential subscription or
12 a commercial subscription?

13 MR. LONSTEIN: Objection to form and
14 conclusion.

15 A. I don't see an account type here.

16 Q. So it doesn't indicate whether it's commercial or
17 residential?

18 MR. LONSTEIN: Just make sure you have
19 both pages there.

20 A. Yeah, I don't see an account type here.

21 Q. So is it fair to say that based on the
22 information in Exhibit 6, it would be impossible
23 for anyone at DIRECTV to conclude whether the
24 subscription shown in Exhibit 6 is commercial or
25 residential?

1 MR. LONSTEIN: Objection to form.

2 A. Based on this document, one could conclude that,
3 only this document, that an indicator might be
4 that this is a residential order based on the
5 programming packages that I see down here.

6 Q. Would that be speculation or would that be
7 conclusive?

8 MR. LONSTEIN: Objection to form.

9 A. Conclusive.

10 Q. Based on what?

11 A. The fact that I see HBO is ordered as one of the
12 programming options, as well as the programming
13 package called Choice Xtra is on the order form,
14 and on page 2 there is some reference to Showtime
15 and Starz programming.

16 Q. Is each of the rolls that you're referring to a
17 type of programming that was provided when this
18 account was initially set up?

19 MR. LONSTEIN: Objection to form.

20 A. It appears so.

21 Q. Are commercial subscriptions prohibited from
22 getting HBO?

23 A. Yes.

24 Q. Are commercial subscriptions prohibited from
25 getting Showtime?

1 A. Yes.

2 Q. Sometimes I stay at a hotel that has TV
3 programming through DIRECTV and I can get HBO on
4 it.

5 MR. LONSTEIN: Are you -- is there a
6 question or --

7 MR. OVERHAUSER: Yeah.

8 MR. LONSTEIN: Okay. I'm sorry.

9 BY MR. OVERHAUSER:

10 Q. Are you aware whether or not that's possible?

11 MR. LONSTEIN: Objection to --

12 A. Yes.

13 Q. It is possible for a --

14 A. Yes.

15 Q. -- for a hotel to get a HBO DIRECTV subscription?

16 A. Yes.

17 MR. LONSTEIN: Objection to form.

18 Q. And would that be a commercial account?

19 A. Yes.

20 Q. So DIRECTV does allow commercial accounts to get
21 HBO, correct?

22 MR. LONSTEIN: Objection to form, and
23 the specific objection is to where in the hotel.

24 A. Can you repeat the question, please?

25 (The requested material was read back

1 by the court reporter.)

2 A. Yes.

3 Q. And DIRECTV allows commercial accounts to get
4 Showtime, correct?

5 MR. LONSTEIN: The same objection.

6 A. In specific commercial applications, yes.

7 Q. And DIRECTV allows commercial accounts to get
8 Choice Xtra Classic also, don't they?

9 MR. LONSTEIN: The same objection.

10 A. No.

11 Q. Are you aware of any instance in which the -- let
12 me take a step back.

13 When I say the DIRECTV account at issue in
14 this litigation, I'm referring to the one that's
15 reflected by Exhibit 6, okay?

16 A. Okay.

17 Q. Are you aware of any instance in which the
18 subscription amounts owing for the account at
19 issue in this litigation have not been timely
20 paid?

21 A. I don't know.

22 Q. Have you investigated that?

23 A. No.

24 Q. Do you have any facts that would contradict the
25 assertion that the subscription in this case has

1 never been past due?

2 MR. LONSTEIN: Objection to form.

3 A. I don't know.

4 Q. Did DIRECTV de-authorize the DIRECTV receivers
5 associated with the account at issue in this
6 litigation?

7 MR. LONSTEIN: Objection to form.

8 A. I believe so.

9 (Defendants' Exhibit No. 7 was marked
10 for identification.)

11 BY MR. OVERHAUSER:

12 Q. I'll hand you what has been marked as Exhibit 7.

13 MR. LONSTEIN: Do you guys have it?

14 All right.

15 BY MR. OVERHAUSER:

16 Q. Exhibit 7 are two letters dated June 27, 2014,
17 from Lonstein Law Offices. Have you ever seen
18 these letters before?

19 A. I have not.

20 Q. Have you ever seen letters of this type before?

21 MR. LONSTEIN: Objection to the form.

22 A. I have.

23 Q. And letters of this -- have you ever seen letters
24 of this type that have been sent by Lonstein Law
25 Offices?

1 MR. LONSTEIN: The same objection.

2 A. Yes.

3 Q. Is this a typical letter that is, in your
4 experience, that is sent by Lonstein Law Offices
5 when a DIRECTV account is de-authorized?

6 MR. LONSTEIN: Objection.

7 A. I don't know.

8 Q. Is it your understanding that this letter was
9 sent at the same time the DIRECTV receivers at
10 issue in this litigation were de-authorized by
11 DIRECTV?

12 MR. LONSTEIN: Objection as to form.

13 A. I don't know.

14 Q. Who would know?

15 A. Probably counsel.

16 Q. Does counsel have the ability to authorize and
17 de-authorize DIRECTV receivers?

18 MR. LONSTEIN: Objection; a matter of
19 attorney/client privilege.

20 A. They have the ability to communicate to somebody
21 who can de-activate an account.

22 Q. And will DIRECTV follow the instructions to
23 de-activate an account that it receives from
24 Lonstein Law Offices.

25 MR. LONSTEIN: Objection; it calls for

1 attorney/client privilege communications. I'm
2 directing him not to answer that question.

3 MR. OVERHAUSER: It doesn't call for
4 attorney/client privileges. It asks for what
5 actions DIRECTV would take.

6 MR. LONSTEIN: Mark it, we can mark it
7 for a ruling. If you want to be specific, change
8 your question.

9 BY MR. OVERHAUSER:

10 Q. Does DIRECTV de-act -- I'm sorry. Does DIRECTV
11 de-authorize DIRECTV receivers at the direction
12 of outside attorneys like Lonstein Law Offices?

13 MR. LONSTEIN: The same objection. If
14 you know.

15 A. I believe so.

16 Q. Does DIRECTV have any internal procedure to make
17 its own determination as to a recommended
18 de-authorization that is recommended by outside
19 counsel, or does it automatically just do what
20 they say?

21 MR. LONSTEIN: Objection to term
22 "recommendation." You can answer.

23 A. I don't know.

24 Q. Who would know?

25 A. Our counsel, John Green.

1 Q. Does DIRECTV have an ongoing agreement with
2 Lonstein Law Offices to pursue suspected theft of
3 DIRECTV signals?

4 MR. LONSTEIN: Objection to form, also
5 it calls for attorney/client information. To the
6 extent you know, if you know.

7 A. I believe so.

8 Q. Has DIRECTV essentially given Lonstein Law
9 Offices free rein to decide when to de-authorize
10 a DIRECTV subscription?

11 MR. LONSTEIN: Objection to form,
12 attorney/client privilege, misstates your
13 testimony. To the extent you can answer.

14 A. I don't know.

15 MR. LONSTEIN: Off the record one
16 second.

17 (A discussion is held off the record.)

18 BY MR. OVERHAUSER:

19 Q. Can you describe the relationship that DIRECTV
20 has with Lonstein Law Offices?

21 MR. LONSTEIN: Objection to the extent
22 it doesn't call for attorney/client privilege.
23 You can answer.

24 A. Lonstein Law Offices are an outside counsel of
25 DIRECTV's legal department and have been utilized

1 to pursue claims of theft of programming.

2 Q. And for how long has DIRECTV utilized Lonstein
3 Law Offices?

4 MR. LONSTEIN: The same objection.

5 A. I don't know.

6 Q. It's been for over ten years, right?

7 MR. LONSTEIN: Objection to form.

8 A. It sounds about right.

9 Q. And is Lonstein Law Offices compensated on a
10 retainer basis or on a contingency basis or both?

11 MR. LONSTEIN: Objection to form, calls
12 for attorney/client privilege information. If
13 you know.

14 A. I don't know the specifics.

15 Q. Who would know?

16 A. My counsel, John Green.

17 Q. Do you know whether the litigation Lonstein Law
18 Offices has filed in this matter has been one
19 that DIRECTV has had to pay Lonstein Law Offices
20 extra for?

21 MR. LONSTEIN: Objection to form;
22 objection to the question, seeking, again,
23 attorney -- God bless you --

24 MS. DeVORE: Thank you.

25 MR. LONSTEIN: -- attorney/client

1 privilege information. I don't think it's a
2 proper question. But for the purposes if you
3 know, you can answer the question, reserving my
4 objection.

5 A. I don't know.

6 Q. You testified earlier that DIRECTV authorized the
7 DIRECTV receivers that are at issue in this
8 litigation, correct?

9 MR. LONSTEIN: Objection to form.

10 A. Could you clarify what I exactly said?

11 Q. Okay. Well, maybe you didn't say it, but there
12 were DIRECTV receivers located at the Shelbyville
13 Texas Corral and the Martinsville Texas Corral,
14 correct?

15 MR. LONSTEIN: Objection to form.

16 A. Yes.

17 Q. And each of those receivers had been authorized
18 by DIRECTV to receive DIRECTV programming,
19 correct?

20 MR. LONSTEIN: The same objection.

21 A. They had been activated at some point. I don't
22 know when.

23 Q. Okay. Is that the same as -- when they're
24 activated, does that mean the TV programming can
25 be viewed through these receivers?

1 A. Yes.

2 Q. And then those receivers were de-authorized later
3 by DIRECTV at the direction of Lonstein Law
4 Offices, correct?

5 MR. LONSTEIN: Objection to form, it
6 assumes facts he hasn't testified to. If you can
7 answer.

8 A. Based on my conversations with our counsel, that
9 appears correct.

10 Q. So during the time period when the receivers were
11 authorized, the persons were entitled to view
12 programming through those receivers, correct?

13 MR. LONSTEIN: Objection to form. If
14 you can answer.

15 A. Who do you mean "persons"?

16 Q. Human beings.

17 MR. LONSTEIN: The same objection.

18 A. I would assume so.

19 Q. Did DIRECTV de-authorize the DIRECTV receivers at
20 Martinsville Texas Corral and Shelbyville Texas
21 Corral at the request of Lonstein Law Offices?

22 MR. LONSTEIN: Asked and answered, the
23 same objection.

24 A. I believe so.

25 Q. Does any employee of DIRECTV have any personal

1 knowledge that a satellite dish capable of
2 receiving DIRECTV signals has ever been
3 operational at 785 East Timber Drive,
4 Martinsville, Indiana 46151?

5 A. What was the address again you referenced?

6 Q. 785 East Timber Drive, Martinsville, Indiana
7 46151.

8 A. And your question was whether a DIRECTV employee
9 is aware whether service was received there?

10 Q. No.

11 MR. LONSTEIN: Can we restate the
12 question, please?

13 BY MR. OVERHAUSER:

14 Q. Does any DIRECTV employee have any knowledge that
15 there was a -- ever a satellite dish capable of
16 receiving DIRECTV signals at 785 East Timber
17 Drive, Martinsville, Indiana 46151?

18 A. I don't know.

19 Q. Does any employee of DIRECTV have any knowledge
20 that a DIRECTV receiver capable of receiving
21 DIRECTV signals has ever been present at 785 East
22 Timber Drive, Martinsville, Indiana 46151?

23 MR. LONSTEIN: Objection to form.

24 A. I don't know.

25

1 (Defendants' Exhibit No. 8 was marked
2 for identification.)

3 BY MR. OVERHAUSER:

4 Q. Let me hand you what's been marked as Exhibit 8,
5 which is a photograph of an armrest from an
6 airplane. Does DIRECTV make DIRECTV programming
7 available to some airline passengers?

8 MR. LONSTEIN: Object to the form.

9 A. Yes.

10 Q. And can some airline passengers watch DIRECTV
11 while they're flying on an airplane using a
12 control pad as shown in Exhibit 8?

13 MR. LONSTEIN: Objection to form.

14 A. It appears like it.

15 Q. Does DIRECTV require these airline passengers to
16 sign any agreement before viewing DIRECTV
17 programming using the control shown in Exhibit 8?

18 MR. LONSTEIN: Objection to the form,
19 it calls for a legal conclusion.

20 A. I don't know.

21 Q. Do you know whether DIRECTV requires an agreement
22 with each person that views DIRECTV programming?

23 MR. LONSTEIN: Objection to form.

24 A. I don't know if it's a hundred percent of all of
25 our customers.

1 Q. Okay. My question was a little bit different. I
2 wasn't asking about customers.

3 MR. LONSTEIN: You're asking viewers,
4 correct?

5 MR. OVERHAUSER: Well, people. Okay.
6 I'll take your suggestion.

7 MR. LONSTEIN: Right. I want him to
8 answer a question that he knows he's answering,
9 please. Thank you.

10 BY MR. OVERHAUSER:

11 Q. Does DIRECTV have an agreement with each person
12 that views DIRECTV programming?

13 A. I don't think so.

14 MR. LONSTEIN: Paul, just for the
15 record, they have a dog-watching channel. My dog
16 watches that channel for entertainment. So, I
17 don't know if he's a person, but he's a viewer.

18 MR. OVERHAUSER: Okay.

19 BY MR. OVERHAUSER:

20 Q. Is it true that DIRECTV allows persons to view
21 DIRECTV programming who do not have a
22 subscription agreement with DIRECTV?

23 MR. LONSTEIN: Objection to form.

24 A. It appears so.

25 Q. Do you have a DIRECTV subscription in your home?

1 MR. LONSTEIN: Objection.

2 A. Yes.

3 Q. Or I should say -- okay. And are you the
4 subscriber for the DIRECTV account at your home?

5 MR. LONSTEIN: Objection to form,
6 relevancy. If you want to answer, you can.

7 A. Yes.

8 Q. If someone's -- you're authorized by DIRECTV to
9 watch DIRECTV programming in your home, correct?

10 A. Yes.

11 Q. Are there any other people that live in your
12 household with you?

13 MR. LONSTEIN: Objection.

14 A. No.

15 Q. Let's talk about a hypothetical family in which
16 there's a family and the -- let's just say the
17 husband subscribes to DIRECTV, and he has a wife
18 and two kids living with him and a DIRECTV
19 residential subscription, okay? In that scenario
20 would the husband be authorized to view DIRECTV
21 programming?

22 MR. LONSTEIN: Objection to form.

23 A. I believe so.

24 Q. Would the wife be authorized to view DIRECTV
25 programming?

1 MR. LONSTEIN: The same objection.

2 A. I believe so.

3 Q. Would the kids be authorized to view DIRECTV
4 programming?

5 MR. LONSTEIN: The same objection.

6 A. I believe so.

7 Q. So does DIRECTV -- would the wife and the kids be
8 authorized just by virtue of the fact that the
9 receiver had been authorized by DIRECTV to
10 receive DIRECTV programming?

11 MR. LONSTEIN: Objection; it calls for
12 a conclusion. If you know.

13 A. I don't know.

14 Q. Well, why do you think they would be authorized?

15 MR. LONSTEIN: Objection;
16 argumentative.

17 A. They're in the same household as the subscriber.

18 Q. Is there something that DIRECTV does to authorize
19 members of a household to view DIRECTV
20 programming if another member of the household
21 has a DIRECTV subscription?

22 MR. LONSTEIN: Objection to form.

23 A. I'm not an attorney to be able to explain the
24 relationship between DIRECTV and other members of
25 the household based on an authorization.

1 Q. Well, does DIRECTV maintain a list of every
2 person that is authorized to view DIRECTV
3 programming?

4 MR. LONSTEIN: Objection.

5 A. In the context of your question about this
6 hypothetical family, we don't have any
7 information of the wife or the two children. So
8 I would say in that context, no.

9 Q. Okay. How about for a commercial account, does
10 DIRECTV have any knowledge of the identity of
11 everyone that isn't authorized by DIRECTV to
12 watch DIRECTV programming through a DIRECTV
13 receiver that's been set up for a commercial
14 account?

15 MR. LONSTEIN: Objection to form.

16 A. We would not have any knowledge of all the
17 entities or persons that are viewing our
18 programming. I don't know about authorization.
19 That's to me a legal term, and I don't
20 necessarily understand the relationship between
21 us and our viewers that may not be subscribers
22 legitimately to accounts.

23 Q. Well, I'm -- this is an important issue so I want
24 to make sure we're clear. Do you have to be a
25 person that has your name on a DIRECTV

1 subscription in order to be authorized to watch
2 DIRECTV programming?

3 MR. LONSTEIN: Objection to form.

4 A. I think as I stated earlier, I don't know about
5 the term "authorize," but you can view it.

6 Q. Would you be legally intercepting signals if you
7 viewed it and you were not the person whose name
8 was on the subscription agreement?

9 MR. LONSTEIN: Objection to form, it
10 calls for a legal conclusion.

11 A. I don't think you would be illegally intercepting
12 it, no.

13 Q. Why not?

14 MR. LONSTEIN: Objection to form.

15 A. In which context are you referring to, the
16 household or the commercial premises?

17 Q. Either.

18 MR. LONSTEIN: Compound. Can I ask for
19 one at a time, please.

20 A. Which one would you like first?

21 Q. Household, then commercial.

22 A. Okay. So in a household, persons that are
23 residing in that residence would be legitimately
24 viewing our programming because of their
25 relationship to the primary account holder of

1 that account.

2 Q. Okay. Let me pause there. Can you show me where
3 it says that in Exhibit 5?

4 A. I cannot.

5 Q. Well, who decides who's authorized and who's not
6 authorized?

7 MR. LONSTEIN: Objection; it calls
8 for -- form, form.

9 Q. Who decides who's authorized to view DIRECTV
10 programming for a residential account and who's
11 not?

12 MR. LONSTEIN: The same objection.

13 A. I don't know.

14 Q. So DIRECTV has no way of determining whether a
15 particular person is authorized or not authorized
16 to view DIRECTV programming through an authorized
17 DIRECTV receiver?

18 MR. LONSTEIN: Objection to form. Are
19 we still talking about residential?

20 A. Are we still talking about residential?

21 Q. It doesn't matter. Residential or commercial.

22 A. Could you repeat the question?

23 MR. OVERHAUSER: Could you repeat the
24 question, please?

25 (The requested material was played back

1 by the court reporter.)

2 A. I'm still confused at the term "authorized." So
3 I go back to whether somebody can view it, and I
4 believe that in the way you asked the question,
5 we do not necessarily know all of the viewers of
6 our programming in whatever setting we were just
7 talking about, commercial or residential.

8 Q. Well, I understand you don't know who the viewers
9 are. What I'm trying to understand is how
10 does -- whether DIRECTV even knows who is
11 authorized to view DIRECTV programming.

12 MR. LONSTEIN: Objection to form.

13 A. I don't know.

14 Q. Suppose you're at your home watching DIRECTV.
15 You're authorized because you have a
16 subscription, and your next door neighbor comes
17 over and watches the football game with you on
18 DIRECTV. Is he committing infringement?

19 MR. LONSTEIN: Objection.

20 BY MR. OVERHAUSER:

21 Q. I'm sorry, is he committing signal interception?

22 MR. LONSTEIN: Objection. Objection to
23 form, it calls for a legal conclusion.

24 A. I don't believe so.

25 Q. Why not?

1 MR. LONSTEIN: Objection; the same.

2 A. Because I have an authorized account with
3 DIRECTV.

4 Q. And your friend would be watching it through an
5 authorized DIRECTV receiver, correct?

6 MR. LONSTEIN: Objection to form.

7 A. An authorized receiver to the primary account
8 holder, yes.

9 Q. So is the key for determining who is authorized
10 to view DIRECTV programming whether or not it is
11 done with the consent of the account holder?

12 MR. LONSTEIN: Objection to form.

13 A. I don't know.

14 Q. Is it even possible for DIRECTV to get the
15 identity of some person and know whether or not
16 that person is authorized or not to watch DIRECTV
17 programming?

18 MR. LONSTEIN: Objection to form.

19 A. Yes and no.

20 Q. That's an ambiguous answer.

21 A. You're asking me ambiguous questions.

22 Q. Okay.

23 MR. LONSTEIN: Just only respond to
24 questions, please.

25

1 BY MR. OVERHAUSER:

2 Q. Attorney Mark Smith is in the room here. How
3 would you go about determining whether or not he
4 is authorized to view DIRECTV programming?

5 MR. LONSTEIN: Objection to form. If
6 you can answer.

7 A. We would first look up the account information
8 and trust that the information that was provided
9 to us was accurate and determine if that account
10 is active and there's no confusion of any other
11 Mark Smiths, and then I can potentially conclude
12 that Mark Smith is the authorized user and viewer
13 of that account.

14 Q. Would that investigation allow you to make a
15 conclusive determination as to whether or not
16 Mr. Smith was authorized to watch DIRECTV
17 programming?

18 MR. LONSTEIN: Object to the form of
19 the question to the extent of the definition of
20 "watch DIRECTV programming." You can answer.

21 A. It would be a safe assumption. It may not be a
22 hundred percent conclusion, is the word that you
23 used, "conclusive."

24 Q. Right.

25 A. There might be some errors in whether that is

1 really Mark Smith.

2 Q. Well, let's assume that is the real Mark Smith.

3 But isn't it true that he might be authorized to

4 watch DIRECTV programming even if he himself

5 personally does not have a DIRECTV account?

6 MR. LONSTEIN: Objection to form.

7 A. He's able to view it on another authorized

8 account, but I don't necessarily know if he's the

9 authorized person to watch that.

10 Q. Are you -- did I hear you say that he could be

11 authorized to watch DIRECTV programming even if

12 he himself is not a DIRECTV subscriber?

13 MR. LONSTEIN: Objection to form.

14 A. I don't think I said that.

15 Q. Okay. Well, that's my question. I believe --

16 MR. LONSTEIN: Mr. Overhauser, if I

17 could, are you asking -- and I'm not trying to

18 speak object -- are you asking him whether he

19 views DIRECTV programming anywhere in the world

20 whether Mr. Mader can determine whether he's an

21 authorized viewer, is that the --

22 MR. OVERHAUSER: No.

23 MR. LONSTEIN: Okay. Then I'm missing

24 the question. Sorry about that. Okay.

25

1 BY MR. OVERHAUSER:

2 Q. Once we identify a particular individual in the
3 public, is it possible for DIRECTV to know
4 whether or not that individual is authorized to
5 view DIRECTV programming without being liable for
6 intercepting DIRECTV signals?

7 MR. LONSTEIN: Objection to form.

8 A. I'm confused at the question.

9 Q. Is it possible for DIRECTV to come up with a list
10 of everybody that is able to watch DIRECTV
11 programming without being liable for
12 interception?

13 MR. LONSTEIN: Objection to form, it
14 calls for a legal conclusion.

15 A. I would say no.

16 Q. Who in this case viewed DIRECTV programming
17 without being authorized to do so?

18 MR. LONSTEIN: Objection to form.

19 A. I'm not understanding the question.

20 Q. Well, DIRECTV has filed a lawsuit accusing the
21 defendants of intercepting DIRECTV signals,
22 right?

23 MR. LONSTEIN: Objection to form. You
24 can answer.

25 A. Yes, we filed a lawsuit.

1 Q. Okay. And that complaint was approved by
2 somebody at DIRECTV before it was filed, wasn't
3 it?

4 A. Yes.

5 Q. Okay. Can DIRECTV identify any one person who
6 intercepted DIRECTV signals as alleged in its
7 complaints?

8 MR. LONSTEIN: Objection to form. You
9 can answer if you know.

10 A. Any one person? I don't know. I'm confused
11 about that.

12 Q. Why are you confused?

13 MR. LONSTEIN: Objection. Restate the
14 question, please.

15 BY MR. OVERHAUSER:

16 Q. Well, if DIRECTV files a lawsuit alleging
17 interception of its signals, surely it must have
18 known someone who intercepted the signals, right?

19 MR. LONSTEIN: Objection to form.

20 A. Yeah. It appears that there's two people that
21 we've filed a lawsuit upon for interception of
22 signal.

23 Q. Okay. And who are those people?

24 A. Per the Exhibit 3 that I'm reading, we filed a
25 lawsuit on Victor A. Spina and William Anthony

1 Spina, Jr.

2 Q. And what was the electronic communication that
3 DIRECTV alleges they intercepted?

4 MR. LONSTEIN: Form. You can answer if
5 you know.

6 A. The DIRECTV signal.

7 Q. Yeah. What signal was it?

8 A. The DIRECTV signal.

9 Q. What was the electronic communication that you
10 allege has been intercepted? Was it CBS, the
11 morning news, was it the Oprah Winfrey show, what
12 was it?

13 A. I don't know.

14 MR. LONSTEIN: Objection to form.

15 BY MR. OVERHAUSER:

16 Q. You're not aware of any specific DIRECTV
17 communication that has been intercepted by Victor
18 Spina or William Spina or Martinsville Corral,
19 Inc.?

20 MR. LONSTEIN: Objection to form.

21 A. Could you point to me what you're referring to in
22 specific programming, if it's part of an exhibit?

23 Q. Well, I think it's kind of your job to identify
24 what's been intercepted since DIRECTV filed the
25 complaint.

1 MR. LONSTEIN: Objection;

2 argumentative. He's answered DIRECTV's signals
3 were intercepted.

4 BY MR. OVERHAUSER:

5 Q. What was the electronic communication that was
6 intercepted by the defendants as alleged in
7 DIRECTV lawsuits?

8 MR. LONSTEIN: Objection; asked and
9 answered.

10 A. A DIRECTV signal.

11 Q. Was it TV programming?

12 MR. LONSTEIN: The same objection.

13 A. Yes.

14 Q. What TV program was it?

15 A. I would ask to have you have me look at a
16 specific exhibit to verify what that TV
17 programming is.

18 Q. Okay. What exhibit do you need to see?

19 A. Our auditor affidavits.

20 Q. So is it your testimony that the only DIRECTV
21 communications that have been intercepted in this
22 case are those identified in DIRECTV's auditor
23 affidavits?

24 MR. LONSTEIN: Objection to form.

25 A. No.

1 Q. Who -- tell me the identity of the persons that
2 were authorized to receive electronic
3 communications using DIRECTV receivers associated
4 with your account number 45448353.

5 MR. LONSTEIN: Objection, to the extent
6 it calls for the production of personally
7 identifiable information of subscribers who may
8 not be party to this lawsuit.

9 A. Is there a specific exhibit I need to look at?

10 Q. I don't know. I don't think so. You're the
11 30(b)(6) representative for DIRECTV, right?

12 A. Correct.

13 Q. You testified that you're here to testify as to
14 all of the topics in the Notice of Deposition,
15 right?

16 A. Correct.

17 Q. Topic Number 7 is: The identity of persons
18 authorized to receive your pay electronic
19 communications using DIRECTV receivers associated
20 with your account number 45448353. Are you
21 prepared to discuss that topic on behalf of
22 DIRECTV today?

23 A. Could you point me to the exhibit that you're
24 looking at, which exhibit number is it?

25 Q. It's Exhibit No. 1.

1 A. Okay.

2 MR. LONSTEIN: To the --

3 Q. It would be on the fourth page, the very top
4 topic.

5 A. Okay. Which number?

6 Q. Number 7.

7 A. Number 7 on page 4?

8 Q. I'm sorry. It's -- sorry, page 3.

9 A. Number 7: The identity of persons authorized to
10 receive your pay electronic communications using
11 DIRECTV receivers associated with your account
12 number 45448353.

13 To me the authorized person or persons, or
14 person, would be the account holder of that
15 account number, and if it's a residential
16 account, it would be for their household use.

17 Q. Can you identify those other persons in --

18 MR. LONSTEIN: Objection.

19 Q. -- the household --

20 MR. LONSTEIN: Objection.

21 Q. -- that were authorized to receive the
22 communications?

23 MR. LONSTEIN: Objection; it assumes
24 facts not testified to.

25 A. The person that is authorized to receive that

1 programming is the account holder of that

2 residential account in a residential setting.

3 The other people in the household, I don't know

4 who those are. Those would be dealers. I don't

5 know who those are.

6 Q. Would they be authorized viewers?

7 MR. LONSTEIN: Objection.

8 A. I would say that they could legitimately view the

9 programming in a residential setting.

10 Q. Okay. Well, this topic asks about who's

11 authorized, not who is legitimate. Would the

12 other people in the household be authorized to

13 watch the DIRECTV programming?

14 MR. LONSTEIN: Objection to form,

15 argumentative. You can answer if you know.

16 A. I don't know.

17 Q. And, in fact, there could be any number of other

18 people who could go to the account holder's

19 residence and watch that viewing and they would

20 be authorized to do so, correct?

21 MR. LONSTEIN: Objection to form.

22 A. I would say that they could legitimately view

23 that programming.

24 Q. Would they be authorized?

25 A. I don't know.

1 MR. LONSTEIN: Objection; legal
2 conclusion.

3 Q. So just to sum up, DIRECTV has no way of knowing
4 whether a particular person is authorized to
5 receive its programming, correct?

6 MR. LONSTEIN: Objection to form, legal
7 conclusion.

8 A. In terms of the word "authorized," I don't know.

9 MR. LONSTEIN: Are you okay, Kent? I
10 mean, do you need a break or are you all right?

11 THE WITNESS: I'm fine.

12 MR. LONSTEIN: Paul, any prognosis
13 schedule-wise?

14 MR. OVERHAUSER: I'm not sure. I've
15 got at least a couple of more hours to go.

16 MR. LONSTEIN: Okay.

17 MR. OVERHAUSER: I mean, do you want to
18 take a break?

19 MR. LONSTEIN: Well, do you want to
20 roll straight through and just take a break?

21 THE WITNESS: I'm fine.

22 MR. OVERHAUSER: Let's see, what number
23 are we on?

24 (Defendants' Exhibit No. 9 was marked
25 for identification.)

1 BY MR. OVERHAUSER:

2 Q. I'll hand you what has been marked as Exhibit 9.

3 Can you take a look at Exhibit 9, and flip to the
4 last page and tell me whether that's your
5 signature.

6 A. Yes, that appears to be my signature.

7 Q. Okay. Did you read the interrogatory answers in
8 Exhibit 9 before you signed them?

9 A. I'm sure I did.

10 Q. Are all of your answers to the interrogatories in
11 Exhibit 9 truthful and accurate?

12 A. I would assume so.

13 Q. Could I ask you to look at your answer to
14 Interrogatory Number 3?

15 MR. LONSTEIN: Page number --

16 Q. It's on -- look at the bottom of page -- well,
17 look at the bottom of page 6.

18 A. Okay.

19 Q. I'll just read you the first part of this
20 interrogatory. It starts out: Identify each
21 electronic communication that you allege have
22 been unlawfully received or intercepted as
23 alleged in your amended complaint.

24 Do you see that?

25 A. I do.

1 Q. Can you look down at your answer, and is there
2 anyplace in there that identifies any electronic
3 communication that DIRECTV alleges has been
4 unlawfully received or intercepted?

5 MR. LONSTEIN: Do you want a few
6 moments to read it?

7 THE WITNESS: Sure.

8 (Witness reviewing document.)

9 A. Could you repeat the question?

10 (The requested material was played back
11 by the court reporter.)

12 A. I see that we reference electronic communication.

13 Q. Where?

14 A. In the responses.

15 Q. Can you tell me where specifically?

16 A. In the first paragraph it says, ambiguous
17 including but not limited to the terms of
18 "electronic communications" seeks the information
19 that our trade secret or confidential information
20 or other applicable privileges or doctrines, etc.

21 I see electronic communication referenced in
22 3(a) but not limited to the terms "initiated" and
23 "electronic communication." I see it referenced.
24 I don't specifically know. We haven't stated
25 programming but we have answered the question

1 about electronic communications.

2 Q. What was the electronic communications that you
3 allege has been intercepted in this case?

4 A. The DIRECTV signal.

5 Q. Can you be more specific?

6 A. I cannot.

7 Q. When you say the DIRECTV signal, do you mean a
8 video signal or an audio signal or what?

9 A. It'd be inclusive of both of those.

10 Q. Okay. Describe for me what was in the video part
11 of the signal, what was it a video of?

12 MR. LONSTEIN: Objection to form.

13 A. It'd be television programming.

14 Q. Of what?

15 A. Television.

16 Q. How do you know it was television programming?

17 MR. LONSTEIN: Objection to form,
18 argumentative. If you have specific knowledge
19 about the question relating to Interrogatory 3
20 and what electronic communications, you can
21 answer.

22 MR. OVERHAUSER: Counsel, please stop
23 the coaching, seriously.

24 MR. LONSTEIN: Mr. Overhauser, your
25 questions are so ambiguous and there are terms

1 all over the place that I want him to not answer
2 assumptions or hypotheticals but actual
3 questions.

4 MR. OVERHAUSER: Your proper thing for
5 you to do is to object to the form of the
6 question if, in fact, you believe you can
7 legitimately make that. Anything further is
8 coaching the witness, which is improper
9 generally, and specifically improper under the
10 local rules.

11 MR. LONSTEIN: Thank you. So noted.

12 A. Could you repeat the question?

13 Q. What was the content of the video part of the
14 electronic communications that DIRECTV alleges to
15 have been intercepted in this litigation?

16 A. Television programming.

17 Q. And what were the images of that television
18 programming?

19 A. I don't know, unless you specifically reference
20 me to a piece of what has been handed over in
21 terms of evidence.

22 Q. Can you identify any part of the audio
23 communication that was allegedly intercepted in
24 this case?

25 MR. LONSTEIN: Objection to form.

1 A. I don't know.

2 Q. So you can't give me any specifics of what
3 communication was allegedly intercepted in this
4 case?

5 MR. LONSTEIN: Objection to form,
6 argumentative.

7 A. I don't know.

8 Q. Can you tell me where the electronic
9 communication originated from; did it originate
10 from CBS, NBC?

11 MR. LONSTEIN: Objection to form.

12 A. I don't know.

13 Q. And can you identify the universe of persons that
14 were, in fact, authorized to receive the
15 communication that you allege was intercepted in
16 this case?

17 MR. LONSTEIN: Objection to form.

18 A. What do you mean by universe?

19 Q. Can you -- can DIRECTV identify each person that
20 was, in fact, authorized to receive the
21 communication that DIRECTV alleges has been
22 intercepted in this case?

23 MR. LONSTEIN: Objection to form.

24 A. It would be the residential account holder and
25 their immediate family at the residential

1 location of that account number that we have
2 referenced prior.

3 Q. And there may be some other people, too, right?

4 MR. LONSTEIN: Objection to form.

5 A. Who do you mean by "other people"?

6 Q. Well, before you testified that you have DIRECTV
7 at your house, and if you have the next door
8 neighbor come over and watch the ballgame with
9 you, he's authorized to watch it, right?

10 MR. LONSTEIN: Objection; misstates the
11 testimony. You can answer.

12 A. I think I indicated previously that they would be
13 a legitimate viewer.

14 Q. And by "legitimate," you mean they would not be
15 intercepting by watching it?

16 A. They wouldn't be doing anything illegal.

17 Q. And they wouldn't be --

18 A. So I believe that would be not intercepting.

19 Q. Okay. And, in fact, if it turns out that
20 Mr. Smith just happens to also have a DIRECTV
21 subscription and he watched it, he would not be
22 intercepting either if he happened to be watching
23 the same show, right?

24 MR. LONSTEIN: Objection to form.

25 A. Could you provide the example of the context of

1 Mr. Smith again?

2 Q. Well, let me -- the point is, is that if the
3 universe of everybody in the world was divided
4 into two parts, people that are authorized to
5 view DIRECTV programming and people that are not
6 authorized to view DIRECTV programming, DIRECTV
7 has no way of knowing who is in which group, do
8 they?

9 MR. LONSTEIN: Objection to the form of
10 the question, it assumes --

11 MR. OVERHAUSER: Your objection is
12 noted.

13 MR. LONSTEIN: Whoa, whoa, whoa, whoa.

14 MR. OVERHAUSER: I mean, we don't need
15 this coaching from you.

16 MR. LONSTEIN: I'm not coaching, Mr.
17 Overhauser. I'm trying to understand the
18 question so I can formulate an objection, if I
19 have one that's privileged. Give me a moment. I
20 haven't said anything.

21 Objection to the form. You can answer.

22 A. I'm confused by the question in the segments that
23 you put people in; also, in terms of the term
24 "authorization" or "authorized user."

25 Q. DIRECTV's complaint alleges that persons watch

1 DIRECTV's programming that were not authorized to
2 do so, correct?

3 A. Yes, I believe so.

4 Q. Okay. But it has no way of knowing who's
5 authorized and who's not authorized, does it?

6 MR. LONSTEIN: Objection to form.

7 A. I would say that people are authorized to view
8 our DIRECTV programming on this particular
9 account at the account holder's residential
10 address and anyone else that might be a
11 legitimate viewer within that residential
12 setting.

13 Q. These receivers were at restaurants, right?

14 MR. LONSTEIN: Objection to form.

15 A. That appears --

16 Q. So --

17 A. -- to be the case.

18 Q. -- if a person went into the restaurant who
19 happened to have a DIRECTV subscription and
20 watched the same programming at the restaurant
21 that they could watch at their home, would they
22 be intercepting DIRECTV programming?

23 MR. LONSTEIN: Objection to form, and
24 speculative. You can answer.

25 A. I don't know. That's a confusing question to me.

1 Q. What's confusing about it?

2 MR. LONSTEIN: Objection;
3 argumentative. You don't have to answer it.

4 MR. OVERHAUSER: That's improper,
5 Counsel. Stop coaching the witness.

6 MR. LONSTEIN: I'm not coaching the
7 witness.

8 MR. OVERHAUSER: You don't instruct the
9 witness how --

10 MR. LONSTEIN: Mr. Overhauser, your
11 questions are misstating facts. If you want to
12 be succinct and say, if you are an authorized
13 viewer, and give it so he can understand the
14 question, I'm fine with that, but your
15 terminology misstates the facts of the case. So
16 I'm not going to allow a record to be made that
17 misrepresents the facts of the case.

18 All I'm asking you to do is to state it
19 correctly. Obviously the witness is getting
20 confused by "watching" and "authorized viewer,"
21 and if you want to use terms like "authorized to
22 receive," fine. I just ask that you give him
23 questions that he can understand and answer from
24 knowledge, please.

25 MR. OVERHAUSER: Your speaking

1 objections are improper. If they continue I will
2 seek court intervention.

3 MR. LONSTEIN: That's fine.

4 MR. OVERHAUSER: Can you repeat the
5 most recent question, please.

6 (The requested material was read back
7 by the court reporter.)

8 A. I'm still confused at the nature of the question,
9 I'm sorry.

10 Q. So it's possible they would be intercepting?

11 MR. LONSTEIN: Objection. The witness
12 has said he's confused. Can you restate the
13 question?

14 BY MR. OVERHAUSER:

15 Q. Is DIRECTV able to identify all persons that are
16 able to view its programming without being liable
17 for intercepting DIRECTV signals?

18 MR. LONSTEIN: Objection; asked and
19 answered.

20 A. I don't think so.

21 Q. Can you identify a specific person who
22 intercepted DIRECTV signals as alleged in
23 DIRECTV's complaints in this suit?

24 A. I believe the people who intercepted our signal
25 were the individuals named in the complaint, as

1 we've previously referenced who were using a
2 residential account in the improper venue.

3 Q. But you don't know what signal they intercepted,
4 right?

5 MR. LONSTEIN: Objection;
6 argumentative.

7 A. The DIRECTV signal.

8 Q. Yeah. But you don't know what programming they
9 intercepted, right?

10 MR. LONSTEIN: The same objection.

11 A. Not right now. If you can point me to a specific
12 piece of evidence, I'd be happy to answer that.

13 Q. Well, you've identified William Spina. Does
14 DIRECTV have any information that William Spina
15 was present in a Martinsville Corral restaurant
16 at the time DIRECTV's investigator was in the
17 restaurant?

18 A. I don't know.

19 Q. Does DIRECTV have any information that Victor
20 Spina was in a Martinsville Corral restaurant at
21 the time DIRECTV's investigator was in the
22 restaurant?

23 A. I don't know.

24 Q. So DIRECTV sued them without knowing whether or
25 not they intercepted the signals, right?

1 MR. LONSTEIN: Objection to form,
2 misstates the testimony.

3 A. They are the owners of commercial establishments
4 that we have deemed intercepting our DIRECTV
5 signal.

6 Q. Can you identify a person that observed any
7 intercepted DIRECTV signal?

8 A. I can.

9 Q. Who?

10 A. Our auditor.

11 Q. Okay. And did your auditor -- does the auditor
12 work for DIRECTV?

13 A. The auditor is an independent contractor of
14 DIRECTV.

15 Q. But he undertakes his activities with the consent
16 and approval of DIRECTV, right?

17 MR. LONSTEIN: Objection.

18 A. He does so as an independent contractor.

19 Q. Okay. And DIRECTV has authorized him to do
20 whatever it is he does, right?

21 MR. LONSTEIN: Objection.

22 A. Yes.

23 Q. So the investigator is authorized to view DIRECTV
24 programming, correct?

25 MR. LONSTEIN: Objection to the term

1 "investigator," contrary to testimony.

2 A. Are you referencing the person as we just
3 previously referenced as an auditor --

4 Q. Yes.

5 A. -- as an investigator --

6 Q. Yes.

7 A. -- the same thing? Yes, he's able to view
8 DIRECTV programming in the context of --

9 Q. Okay.

10 A. -- what he's doing for DIRECTV as an independent
11 contractor.

12 Q. Okay. And so if he views DIRECTV programming in
13 the course of his auditing or investigating, he's
14 not committing interception of signals, is he?

15 MR. LONSTEIN: Objection.

16 A. I don't think so.

17 Q. So who else intercepted this signal if it wasn't
18 your investigator, slash, auditor?

19 MR. LONSTEIN: Objection.

20 A. It would be the individuals that we named on the
21 complaint.

22 Q. Okay. The same two individuals that you
23 previously identified you didn't have any
24 information that they actually intercepted?

25 MR. LONSTEIN: Objection;

1 mischaracterizes the testimony.

2 A. By actual interception, what do you mean?

3 Q. I'm trying to find -- I'd like for you to tell me
4 the name of someone that viewed DIRECTV
5 programming in a way that constitutes
6 interception that you allege was interception in
7 this case.

8 A. I don't have direct knowledge of their
9 interception based on what I know about the case.

10 Q. You don't have direct knowledge of interception
11 by William Spina? That's a bad question, let me
12 rephrase that.

13 You don't have direct knowledge of
14 interception by William Spina, do you?

15 MR. LONSTEIN: Objection to form.

16 A. What do you mean by "direct knowledge"? I'm
17 sorry, I used that term but --

18 Q. Okay.

19 A. -- what are you referencing?

20 Q. Do you have any witness that can testify: I saw
21 Victor Spina intercepting DIRECTV signals at the
22 Martinsville Corral restaurant?

23 MR. LONSTEIN: Objection to form.

24 A. I don't believe so.

25 Q. Do you have any witness that can testify: I saw

1 Victor Spina intercepting signals at the Texas
2 Corral restaurant?

3 MR. LONSTEIN: Objection to form.

4 A. I don't believe so.

5 Q. Do you have any witness that can testify: I saw
6 Martinsville Corral, Inc. intercepting DIRECTV
7 signals?

8 MR. LONSTEIN: Objection to the form.

9 A. I believe we do.

10 Q. Okay. Who is the person that intercepted those
11 signals on behalf of Martinsville Corral, Inc.?

12 MR. LONSTEIN: Objection to form.

13 A. In this particular situation it would be the
14 owners of those establishments.

15 Q. Okay. And do you have eyewitness testimony that
16 the owners intercepted signals?

17 MR. LONSTEIN: Objection to form.

18 A. No.

19 Q. Can you identify what agreements DIRECTV has or
20 has had with any of the defendants in this
21 litigation?

22 A. I cannot.

23 Q. Is it your understanding that DIRECTV received
24 subscription payments from Martinsville Corral,
25 Inc. for the subscription number we identified

1 previously?

2 A. I don't know.

3 Q. Has DIRECTV received any subscription payments
4 for the DIRECTV account referenced in Exhibit 6?

5 A. Yes.

6 Q. During what time period did they receive
7 subscription payments?

8 A. Probably from the time of activation to the time
9 of disconnect.

10 Q. So that would have been from May of 2009 through
11 July of 2014?

12 A. Can you point to me a particular document that I
13 can verify that with?

14 Q. Well, that would be -- well, why don't you look
15 at your version.

16 A. Okay. Which exhibit?

17 Q. Exhibit 6. And then you can also look at
18 Exhibit 7.

19 A. Exhibit 6 and Exhibit 7.

20 Q. So based on those two documents, can you identify
21 the dates during which DIRECTV received
22 subscription payments for the account shown in
23 Exhibit 6?

24 A. No.

25 Q. What more information would you need to see?

1 A. I see this as an order. I don't see this as a
2 document of account management.

3 Q. Have you ever communicated with Craig Spencer?

4 A. I have not.

5 Q. Has John Green ever communicated with Craig
6 Spencer?

7 A. I don't know.

8 MR. LONSTEIN: Objection.

9 Q. Has Jose Cruz ever communicated with Craig
10 Spencer?

11 A. I believe so.

12 Q. What is the title of John Green?

13 A. I think deputy counsel of DIRECTV in legal.

14 Q. What is the title of Jose Cruz?

15 A. I don't know his specific title.

16 Q. Do you have any knowledge of whether the
17 subscription for the account at issue in this
18 case was ever past due?

19 A. I don't.

20 Q. Can you give me the names of all persons who
21 participated in the decision to de-authorize the
22 DIRECTV receivers at the Texas Corral restaurants
23 in this case?

24 MR. LONSTEIN: Objection, to the extent
25 that it may call for the release of

1 attorney/client information. You can answer the
2 question.

3 A. I don't know the attorneys involved, and I don't
4 specifically know who disconnected this account.

5 Q. Do you know the names of anybody in DIRECTV that
6 was involved in that decision?

7 A. Most likely Jose Cruz was involved.

8 Q. What is his job responsibility?

9 A. He is an analyst in our fraud department. I
10 don't know his specific title.

11 Q. What does an analyst do?

12 A. Investigates fraud.

13 Q. Between June 1st, 2014, and the date the
14 complaints in this case were filed, did DIRECTV
15 communicate with Craig Spencer about this case?

16 A. I believe they did.

17 Q. Who did?

18 A. I don't know specifically who at DIRECTV, but
19 based on my conversations with counsel, they had
20 indicated to me that somebody at DIRECTV did
21 reach out to Craig Spencer.

22 Q. Okay. Well, that's kind of important. Who was
23 it, and when was it?

24 A. I don't have --

25 MR. LONSTEIN: Objection to form.

1 A. I don't have the specific information.

2 Q. Okay. What -- do you have any information?

3 A. I believe between those two dates that you
4 referenced, that there was somebody at DIRECTV
5 who reached out to Craig Spencer.

6 Q. And is your sole basis for that what your
7 attorney told you?

8 A. Yes.

9 Q. The attorney for Lonstein Law Offices?

10 MR. LONSTEIN: Objection.

11 A. John Green.

12 Q. Exactly what did John Green tell you?

13 MR. LONSTEIN: Objection. Don't
14 answer. That's privilege.

15 MR. OVERHAUSER: That's not privilege.

16 MR. LONSTEIN: Yes, it is. It's
17 attorney/client communication.

18 MR. OVERHAUSER: He's in-house counsel.

19 MR. LONSTEIN: It doesn't make a
20 difference, he's still titled to attorney/client
21 protection. We can mark it for a ruling later or
22 you can depose Mr. Green.

23 MR. OVERHAUSER: I'm asking about
24 communications between DIRECTV and Craig Spencer.
25 Now, Craig Spencer is not represented by DIRECTV.

1 MR. LONSTEIN: No. But you're asking
2 for a conversation between Mr. Mader and
3 Mr. Green. That's privileged.

4 BY MR. OVERHAUSER:

5 Q. Is the only information that you have about any
6 communication between DIRECTV and Craig Spencer
7 between June 1st, 2014, and the date the
8 complaints in this case were filed, hearsay
9 information from John Green?

10 A. What do you mean by "hearsay"?

11 MR. LONSTEIN: Objection to form.

12 Q. What he told you.

13 A. Yes, I rely on John Green for that information
14 that I just stated to you.

15 Q. Okay. So he told you that someone from DIRECTV
16 communicated with Craig Spencer?

17 MR. LONSTEIN: Objection; misstates the
18 testimony. You can answer.

19 A. Yes.

20 Q. And what were the exact words that he used?

21 MR. LONSTEIN: Objection. That's
22 privilege communication.

23 MR. OVERHAUSER: I think he's just
24 waived the privilege, Counsel.

25 MR. LONSTEIN: No, he has not.

1 MR. OVERHAUSER: He already told him --

2 MR. LONSTEIN: No.

3 MR. OVERHAUSER: He just told him
4 what --

5 MR. LONSTEIN: No.

6 MR. OVERHAUSER: -- the attorney told
7 him.

8 MR. LONSTEIN: He said that there was a
9 general understanding of it. We can certainly go
10 over it later if you want. Don't answer.

11 BY MR. OVERHAUSER:

12 Q. Will you answer the question?

13 A. No.

14 Q. Do you know whether John Green directly
15 communicated with Craig Spencer?

16 A. I don't know.

17 Q. Do you know anyone else at DIRECTV that directly
18 communicated with Craig Spencer?

19 A. I don't know.

20 Q. In these alleged communications between Craig
21 Spencer and DIRECTV between June 1st of 2014 and
22 the date the complaint was filed, what is your
23 understanding of what Craig Spencer said?

24 MR. LONSTEIN: Objection to form.

25 A. I don't remember the specifics.

1 Q. And you don't remember anything about the date of
2 the alleged conversation either?

3 MR. LONSTEIN: Objection;
4 argumentative.

5 A. No.

6 Q. Do you have any information about how many times
7 DIRECTV and Craig Spencer communicated during
8 this time period?

9 A. No.

10 Q. Do you have any information about whether these
11 communications during this time period were in
12 person?

13 A. I don't know.

14 Q. Do you know if they were on the phone?

15 A. I don't know.

16 Q. Do you know if they were via e-mail?

17 A. I don't know.

18 Q. Do you know if they were via a text message?

19 A. I don't know.

20 Q. Do you have any -- I'm not going to ask you what
21 they are, but do you have any further details
22 about the alleged communications between DIRECTV
23 and Craig Spencer between June 1st, 2014 and the
24 date the complaints were filed?

25 A. No.

1 Q. Are you aware of any effort by DIRECTV to
2 communicate with Victor Spina between July --
3 between June 1st, 2014 and the date this
4 complaint was filed?

5 A. From DIRECTV directly?

6 Q. Correct.

7 A. No, I don't know.

8 Q. Did DIRECTV know that this lawsuit would -- these
9 lawsuits would be filed before they were actually
10 filed?

11 MR. LONSTEIN: Objection to form.

12 A. I don't know.

13 Q. Is it possible that Lonstein Law Offices went
14 ahead and filed these lawsuits without DIRECTV's
15 advanced knowledge?

16 MR. LONSTEIN: Objection to form.

17 A. I don't know.

18 Q. It's pos -- so you don't know. It's possible --

19 MR. LONSTEIN: Objection.

20 Q. -- that that's what happened, right?

21 MR. LONSTEIN: Objection to form.

22 Don't speculate. If you know.

23 A. I don't know.

24 Q. Is it your understanding that SAS Digital is a
25 d/b/a for Craig Spencer?

1 A. Yes, I've heard that.

2 MR. LONSTEIN: Still good?

3 THE WITNESS: Uh-huh.

4 BY MR. OVERHAUSER:

5 Q. Were any documents exchanged between DIRECTV and
6 Craig Spencer between June 1st, 2014 and the
7 dates the complaints were filed in this case?

8 MR. LONSTEIN: Objection to form.

9 A. I don't know.

10 Q. Were you responsible for conducting searches for
11 documents that were requested in this case?

12 A. No.

13 Q. Who was?

14 A. I don't know.

15 Q. In the Notice of Deposition, which is
16 Exhibit 1 --

17 A. Is that what you want me to look at right now?

18 Q. Yeah, why don't we look at that real quick.

19 A. Okay.

20 MR. LONSTEIN: There you go.

21 Q. Look at Deposition Topic Number 2.

22 MR. LONSTEIN: That would be page
23 Number 3, Schedule A? Counsel, you -- okay.

24 BY MR. OVERHAUSER:

25 Q. So you are DIRECTV's corporate representative on

1 the topic of DIRECTV's search for documents
2 responsive to requests for production served on
3 you in this case, right?

4 A. I am the 30(b)(6) witness.

5 Q. Okay. So did DIRECTV search for any documents
6 that were responsive to request for production in
7 this case?

8 A. Yes.

9 Q. Who conducted the search?

10 A. I don't know.

11 Q. When did the search occur?

12 A. I wouldn't know that.

13 Q. Were any documents identified?

14 A. During that search?

15 Q. Yes.

16 A. I wouldn't know. I didn't do the search.

17 Q. Well, it sounds like you're not really well
18 prepared to discuss that topic. Can you tell us
19 why?

20 MR. LONSTEIN: Objection;
21 argumentative.

22 A. I don't do all the activities in an
23 investigation.

24 Q. Okay. In preparing for this deposition did you
25 try to find out who did the search?

1 A. I did not.

2 Q. Do you know whether any documents have been
3 produced by DIRECTV in this case?

4 A. Yes.

5 Q. What documents?

6 A. The ones that were presented in the complaint or
7 any follow-up legal documents.

8 Q. The ones that were presented in the complaint?

9 A. Or something related to the complaint. I'm not a
10 lawyer.

11 Q. You mean exhibits to the complaint?

12 A. Maybe. Yes, I think so.

13 Q. Okay. Well, I'll represent to you neither
14 complaint had any exhibits.

15 MR. LONSTEIN: Objection;
16 argumentative. If you want to ask him about a
17 document in the request for production or
18 something like that, ask him a fair question.

19 BY MR. OVERHAUSER:

20 Q. So can you describe with as much particularity as
21 possible what documents DIRECTV has produced in
22 response to requests for production in this case?

23 A. I had seen auditor affidavits.

24 Q. Can you just describe generally the relationship
25 between DIRECTV, the auditor, as you call him --

1 his name is Kevin Karlak, right?

2 A. I believe that's correct.

3 Q. Okay. And Lonstein. Who -- let's start with
4 this. Who pays Kevin Karlak?

5 MR. LONSTEIN: Objection to the form.

6 A. He's an independent contractor that DIRECTV pays.

7 Q. Okay. And how does it pay him?

8 A. I don't know the specifics of that.

9 Q. Okay. He lives in California, right?

10 MR. LONSTEIN: If you know.

11 A. I don't know.

12 Q. Can you tell me what caused him to go into the
13 Texas Corral restaurants in June of 2014?

14 MR. LONSTEIN: Objection to form.

15 A. I do not.

16 Q. Do you know why he was in Indiana in the first
17 place?

18 A. No.

19 Q. When he prepared a report, to whom did he give
20 it, Lonstein Law Offices or DIRECTV?

21 MR. LONSTEIN: Objection to form.

22 A. I believe he gives it to Signal Auditing.

23 Q. And what is Signal Auditing?

24 A. They are an independent contractor of DIRECTV.

25 Q. Okay. And are they headquartered in Ellenville,

1 New York?

2 A. I believe so.

3 Q. And is Mr. Lonstein a principal of Signal
4 Auditing?

5 MR. LONSTEIN: Objection to form.

6 A. I don't know.

7 Q. Is Signal Auditing affiliated with Lonstein Law
8 Offices.

9 MR. LONSTEIN: Objection to form.

10 A. I believe so.

11 Q. Can you describe what the business of Signal
12 Auditing is?

13 MR. LONSTEIN: Objection to form.

14 A. They are an independent contractor of DIRECTV
15 that seeks out commercial misuse, piracy.

16 Q. And how do they go about doing that?

17 A. They have auditors that visit commercial
18 locations after receiving a DIRECTV legal list,
19 which is a list that shows legitimate commercial
20 establishments that are receiving DIRECTV signal
21 in the area.

22 Q. Does DIRECTV have a legal list for the central
23 Indiana area?

24 A. I don't know.

25 Q. On what basis does DIRECTV pay Signal Auditing?

1 A. I don't know.

2 Q. Does DIRECTV pay bounties to Signal Auditing?

3 A. I don't know.

4 MR. LONSTEIN: Objection to form.

5 Q. So your understanding is that Kevin Karlak's
6 investigative report was provided to Signal
7 Auditing; is that correct?

8 A. I believe so.

9 MR. LONSTEIN: Objection to form.

10 Q. And then what happened to it?

11 A. I don't know.

12 Q. Did Signal Auditing give it to Lonstein Law
13 Offices?

14 MR. LONSTEIN: Objection; asked and
15 answered.

16 A. I don't know.

17 Q. How did DIRECTV come to believe, if at all, that
18 the defendants in this case committed signal
19 interception?

20 MR. LONSTEIN: Objection to form.

21 A. The account that the auditor had provided or that
22 the investigation had determined, the account
23 number that we had referenced before was
24 identified as linked to those bars that we just
25 spoke about, the Corral locations, and determined

1 that that account was at a residential setting,
2 not at a commercial setting legitimately.

3 Q. Was that determination made by DIRECTV?

4 A. No.

5 Q. Who made that determination?

6 A. Either Signal Auditing or Lonstein Law Offices.

7 Q. Was DIRECTV asked to verify whether or not that
8 was accurate information?

9 A. We provide account records that would indicate
10 that that account is a residential account.

11 Q. And does DIRECTV ever undertake to contact the
12 residential account holder to find out whether
13 DIRECTV's information is correct or not?

14 MR. LONSTEIN: Objection to form.

15 A. I don't know.

16 Q. Was DIRECTV ever requested to verify whether the
17 commercial, slash, residential subscription type
18 and its records was correct?

19 MR. LONSTEIN: In this case?

20 MR. OVERHAUSER: Yeah, in this case.

21 MR. LONSTEIN: Objection to form.

22 A. It's a residential account, and DIRECTV provides
23 that information as such to either Signal
24 Auditing or Lonstein Law Offices.

25 Q. Okay. Did DIRECTV undertake any investigation to

1 find out whether or not the DIRECTV receivers at
2 the Texas Corral restaurants were originally
3 installed by an authorized DIRECTV retailer?

4 MR. LONSTEIN: Objection to form.

5 A. I don't know.

6 Q. Did DIRECTV, before this lawsuit was filed, ever
7 receive any documents from Craig Spencer about
8 installation of DIRECTV equipment at the Texas
9 Corral restaurants?

10 MR. LONSTEIN: Objection to form.

11 A. I don't think so.

12 Q. Did DIRECTV just rely on what Signal Auditing and
13 Lonstein Law Offices did in deciding whether or
14 not to file this lawsuit?

15 MR. LONSTEIN: Objection to form,
16 misstates the evidence.

17 A. By us providing an account number that is tied
18 to -- that is in a residential type, I believe we
19 provided some information to Lonstein or Signal
20 Auditing that there seems -- there appears to be
21 interception in play.

22 Q. Okay. What made you conclude that it was
23 interception as opposed to somebody just making a
24 mistake when setting up the information in
25 DIRECTV's databases?

1 MR. LONSTEIN: Objection to form.

2 A. I don't know. I wasn't part of that decision.

3 Q. Who was?

4 A. Either at the account setup or during the
5 investigation.

6 Q. Who was?

7 A. For which piece?

8 Q. For determining whether or not the information in
9 DIRECTV's database was correct as far as
10 designating it as commercial versus residential.

11 MR. LONSTEIN: Objection to form.

12 A. During the account activation?

13 Q. Yes.

14 A. We rely on our sales channel, in this particular
15 case, a dealer, to tell us what type of property
16 that account has been activated at, and then we
17 will input those in our systems and operate it as
18 such.

19 Q. And before filing a lawsuit did DIRECTV verify
20 whether that information was accurately entered
21 in this case?

22 MR. LONSTEIN: Objection to form.

23 A. I don't know.

24 Q. How has DIRECTV compensated Lonstein Law Offices
25 for its work in connection with this case?

1 MR. LONSTEIN: Objection.

2 A. I don't know.

3 Q. Can you look at Topic Number 13?

4 A. Which document are you referencing?

5 Q. Of the Notice of Deposition.

6 A. Okay.

7 Q. I believe it reads: The attorney's fees you seek
8 to recover and the agreements pursuant to which
9 you have incurred such attorney's fees.

10 Did I read that accurately?

11 A. You did.

12 Q. So is DIRECTV seeking to recover attorneys' fees
13 in this case?

14 MR. LONSTEIN: Objection to the form of
15 the question; in addition, an objection is made
16 that the statutory provision for --

17 MR. OVERHAUSER: We don't --

18 MR. LONSTEIN: I'm making --

19 MR. OVERHAUSER: -- need a talking
20 objection. Just say you object to the form of
21 the question --

22 MR. LONSTEIN: Mr. Overhauser --

23 MR. OVERHAUSER: -- and stop coaching.

24 MR. LONSTEIN: I'm not coaching the
25 witness. I'm making a legal objection, part of

1 which calls for a legal conclusion. The
2 attorneys' fees provision, as you're well aware
3 under Section 605 or 553, do not come into play
4 until after and such time that a determination of
5 liability is made.

6 To the extent that the witness can answer
7 the question within his competency, you're free
8 to inquire, but that question at this point is
9 not seasonable in our opinion. That's our
10 objection.

11 MR. OVERHAUSER: Not seasonable?

12 MR. LONSTEIN: Uh-huh.

13 MR. OVERHAUSER: I don't think I've
14 ever heard that one before.

15 BY MR. OVERHAUSER:

16 Q. Let me ask the question again. What attorneys'
17 fees is DIRECTV seeking to recover in this case?

18 A. I don't know.

19 Q. Has DIRECTV paid anything to Lonstein Law Offices
20 for attorneys' fees incurred in this case?

21 A. I don't know.

22 Q. Do you know whether Lonstein Law Offices is being
23 paid on a contingent fee basis for its services
24 in this case?

25 A. I don't know.

1 Q. Do you know whether DIRECTV has incurred any
2 attorneys' fees in this case?

3 A. I don't know.

4 Q. I think I may have asked this and I apologize if
5 I ask it again, but just to make sure, is it your
6 understanding that for each DIRECTV receiver that
7 has been associated with the account at issue in
8 this case that the receiver was originally
9 supplied by DIRECTV to Craig Spencer?

10 A. Are you referencing a particular question on this
11 document we're looking at or a different
12 document?

13 Q. Number 12. Number 12, I guess.

14 A. Number 12, okay. For each DIRECTV receiver that
15 has been associated with your account number, the
16 identity of the person or entity to whom you
17 supplied the DIRECTV receiver.

18 I don't know how the receivers have worked
19 through the supply chain in this particular case.

20 Q. Is there someone else at DIRECTV that would know?

21 A. Perhaps.

22 Q. Who would that be?

23 A. Somebody in our supply chain.

24 Q. Did you contact anyone in your supply chain to
25 try to find out the answer to that question in

1 preparation for this deposition?

2 A. I did not.

3 Q. Why not?

4 A. I didn't think of it.

5 Q. Did you understand that you had an affirmative
6 obligation to prepare yourself so that you could
7 testify as to the knowledge of everyone in
8 DIRECTV with respect to the topics on this Notice
9 of Deposition?

10 MR. LONSTEIN: Objection to form,
11 argumentative.

12 A. I did.

13 Q. Did you do that?

14 A. I think I did, to the best of my ability.

15 Q. Can you tell me why you didn't contact someone in
16 supply chain to find out the information about
17 Number 12?

18 MR. LONSTEIN: Objection to form.

19 A. I didn't think about it.

20 Q. Can you tell me why you didn't contact someone
21 who knows about paying Lonstein Offices to find
22 out information about Number 13?

23 MR. LONSTEIN: Objection; misrepresents
24 the testimony that the witness gave.

25 A. That would be somebody in our legal department.

1 Q. And did you contact someone in your legal
2 department to find out about the attorneys' fees
3 DIRECTV is seeking to recover and the agreements
4 that it has for incurring those attorneys' fees?

5 MR. LONSTEIN: Objection to form to the
6 extent it calls for privilege information, also
7 misstates the evidence. If you can answer the
8 question, go ahead.

9 A. I did not get that information from John Green.

10 Q. Did you try?

11 MR. LONSTEIN: Objection to form.

12 A. I did not.

13 Q. Why not?

14 A. I didn't think of it.

15 Q. Let me direct your attention to Exhibit 5 one
16 more time, the customer agreement. Now, does
17 DIRECTV --

18 MR. LONSTEIN: Now, 5 is the document
19 you gave to Mr. Mader --

20 MR. OVERHAUSER: Yes.

21 MR. LONSTEIN: -- representing to be a
22 customer agreement copy?

23 MR. OVERHAUSER: Yeah.

24 BY MR. OVERHAUSER:

25 Q. Okay. Let me just ask this generically. How

1 does DIRECTV authorize others to receive its pay
2 TV electronic communications?

3 A. I don't understand the term "others."

4 Q. Okay. How does DIRECTV authorize people to
5 receive its pay TV electronic communications?

6 MR. LONSTEIN: Objection to form.

7 A. When a person, such as a dealer, communicates
8 with DIRECTV and indicates that an account needs
9 to be activated and these are the associated
10 set-top boxes with that account and this is the
11 proper account type and the programming that the
12 customer requests, we will activate it based on
13 some parameters, like credit scoring and the
14 like. So we've done all of those things and then
15 we will activate it based on the reliance of a
16 sales channel dealer or somebody else in sales.

17 Q. And by activating, you mean you're activating a
18 receiver, right?

19 A. Or activating an account.

20 Q. Okay. And for the person to -- for the account
21 holder to get the programming, their receiver
22 needs to be activated, correct?

23 A. Yes.

24 Q. The same thing as their receiver needs to be
25 authorized, correct?

1 A. Agree.

2 Q. And once the receiver is authorized, people can
3 watch TV programming through that receiver,
4 right?

5 MR. LONSTEIN: Object to the form of
6 the question.

7 A. Correct.

8 Q. What are DIRECTV's proprietary rights in the
9 communications that you allege that any defendant
10 has unlawfully received or intercepted?

11 MR. LONSTEIN: Objection to the extent
12 it calls for a legal conclusion. You can answer
13 the question.

14 A. I don't know.

15 Q. Prior to this deposition did you try to talk to
16 others at DIRECTV to find out the answer to that
17 question?

18 A. I did not.

19 Q. With regard to Exhibit 7, which are the two
20 letters from Lonstein Law Offices dated June 27,
21 2014, did DIRECTV approve these letters before
22 they were sent?

23 MR. LONSTEIN: Object to form.

24 A. I don't know.

25 Q. Before this deposition did you take any efforts

1 to try to find out whether DIRECTV approved those
2 letters?

3 A. I did not.

4 MR. LONSTEIN: The same objection.

5 A. I did not.

6 Q. With regards to the decision that was made to
7 de-activate the DIRECTV receivers at the Texas
8 Corral restaurants, do you know whether that
9 decision was made on June 27, 2014 or earlier?

10 A. I don't.

11 Q. Did you prior to this deposition try to find out
12 who was involved in that decision to de-activate
13 the receivers?

14 MR. LONSTEIN: Objection; asked and
15 answered.

16 A. I don't -- I don't know who did that.

17 Q. Did you try to find out before coming here today
18 for your deposition?

19 A. I did not.

20 Q. When a DIRECTV receiver is de-authorized, does it
21 display any kind of a message?

22 A. Yes.

23 Q. What does that message say?

24 MR. LONSTEIN: Objection to form.

25 A. I don't specifically know.

1 Q. As best you can paraphrase it, what does it say?

2 MR. LONSTEIN: Objection to form.

3 A. You are not authorized to receive this
4 programming.

5 Q. To the best of your knowledge, was a message like
6 that displayed at the Texas Corral?

7 MR. LONSTEIN: Objection.

8 A. I don't know.

9 Q. During what time period has DIRECTV had a
10 business relationship with Craig Spencer?

11 MR. LONSTEIN: Objection to form.

12 A. I'm sorry, repeat that, please.

13 Q. During what time period has DIRECTV had a
14 business relationship with Craig Spencer?

15 A. I believe I saw a document that it indicated that
16 Craig had had some sort of business dealings with
17 DIRECTV since the '90s. I don't specifically
18 know when. But I believe it was in one of the
19 documents that he provided or that I saw.

20 Q. Okay. Have you investigated DIRECTV's own
21 records to find out what they state with regard
22 to the business relationship?

23 A. I have not.

24 MR. LONSTEIN: Objection; asked and
25 answered.

1 Q. What is your understanding as to whether or not
2 DIRECTV still has, as of today, a business
3 relationship with Craig Spencer?

4 MR. LONSTEIN: Asked and answered.

5 A. I don't know.

6 Q. Have you undertaken any efforts in preparation
7 for this deposition to find out about the
8 business relationships between Craig Spencer and
9 DIRECTV?

10 A. I did.

11 Q. And what were those efforts?

12 A. I asked our counsel, John Green, whether we had a
13 current relationship with Craig Spencer.

14 Q. And what is your understanding as to whether or
15 not DIRECTV has a current relationship with Craig
16 Spencer?

17 A. I don't know.

18 MR. LONSTEIN: Note my objection to
19 privilege communication. You can answer.

20 A. I don't know.

21 MR. LONSTEIN: Paul, what's your
22 timeframe look like?

23 MR. OVERHAUSER: Do you want to take a
24 break, lunch?

25 MR. LONSTEIN: No. Just maybe -- no,

1 not lunch necessarily, just, you know, a
2 walk-around break. I mean, we've been going two
3 straight hours.

4 THE COURT REPORTER: I need to plug in
5 my computer.

6 MR. LONSTEIN: Yeah.

7 MR. OVERHAUSER: Yeah, we can break for
8 ten, five, ten minutes.

9 MR. LONSTEIN: Sure.

10 MR. OVERHAUSER: Is that okay?

11 (A brief recess is taken, after which
12 the following proceedings are had.)

13 BY MR. OVERHAUSER:

14 Q. Do you know whether there were any communications
15 exchanged between DIRECTV or its counsel and
16 Craig Spencer relating to this suit between
17 June 1st, 2014 and March 1st of 2015?

18 MR. LONSTEIN: Objection to form to the
19 extent it calls for privilege information. You
20 can answer.

21 A. I don't know.

22 Q. In preparing for this deposition did you
23 undertake to attempt to identify the dates and
24 content of all communications exchanged between
25 DIRECTV or its counsel and Craig Spencer that

1 relate to any defendant after June 1 of 2014?

2 MR. LONSTEIN: The same objection.

3 A. I did not.

4 Q. Why not?

5 A. That's our legal department's function in my
6 opinion.

7 Q. Is it your understanding that Craig Spencer
8 received residual payments for the installation
9 of the DIRECTV system at the Texas Corral?

10 MR. LONSTEIN: Objection to the form of
11 the question to the extent it misstates the
12 facts. You can answer.

13 A. I did see a document that indicated from Craig
14 that he was receiving residual payments at some
15 point. I don't know when it started and when it
16 ended related to the account.

17 Q. So there was a document that you saw that came
18 from Craig Spencer that said that?

19 A. Yes. I believe it was a declaration.

20 Q. Before this deposition, did you undertake to
21 research any information of DIRECTV about the
22 dates and amounts of residual payments it made to
23 Craig Spencer?

24 MR. LONSTEIN: Objection to form.

25 A. I did not.

1 Q. And why not?

2 A. I didn't think of it.

3 Q. Does DIRECTV allege that any of the defendants
4 entered into any agreement with DIRECTV?

5 MR. LONSTEIN: Objection to form.

6 A. I don't know.

7 Q. Are you aware of any agreements between any
8 defendant and DIRECTV?

9 MS. DeVORE: Are we talking about just
10 the federal action defendants or are we talking
11 about all defendants in all of the cases?

12 MR. LONSTEIN: Objection to form.

13 THE WITNESS: I don't know the
14 procedures there. Are you supposed to answer the
15 question or I answer it?

16 MR. LONSTEIN: You can answer it, you
17 can answer if you know the answer, sure.

18 A. I don't know.

19 Q. Before you came here for this deposition did you
20 attempt to educate yourself as to whether or not
21 there were any agreements between any defendant
22 and DIRECTV?

23 MR. LONSTEIN: Objection to the form of
24 the question.

25 A. No, I did not educate myself on that particular

1 matter.

2 Q. Who does DIRECTV claim to be the owner of any
3 satellite dish that was used to intercept
4 DIRECTV's signals in this case?

5 MR. LONSTEIN: Objection to form.

6 A. I don't specifically know who owns a satellite
7 dish that's in question in this case.

8 Q. Who owns the DIRECTV receivers that were in the
9 Texas Corral restaurants?

10 MR. LONSTEIN: Objection to form.

11 A. DIRECTV typically owns receivers that are
12 attached to a residential account.

13 Q. Does DIRECTV claim to own the receivers in the
14 Texas Corral restaurants that were allegedly used
15 to intercept DIRECTV signals?

16 MR. LONSTEIN: Objection to form.

17 A. In the event that there were receivers attached
18 to the residential account in question that we've
19 previously discussed, that they are residential
20 receivers, DIRECTV, through our lease agreement,
21 technically owns those receivers.

22 Q. Does DIRECTV claim to have a lease agreement with
23 any defendant?

24 A. I don't know.

25 Q. In appearing for this deposition, is there

1 anything that you did to try to find out who
2 DIRECTV claims to be the owner of any satellite
3 dish, receiver, or other equipment that DIRECTV
4 claims to have been used by any defendant to
5 intercept programming?

6 MR. LONSTEIN: Objection to form.

7 A. I don't think so.

8 Q. Can you tell me how, when, and where any
9 communication that you allege, that DIRECTV
10 alleges has been improperly intercepted was
11 encrypted and decrypted?

12 MR. LONSTEIN: Objection to form.

13 A. I'm not clear on the question. You --

14 Q. Okay.

15 A. -- said how, when, and where. That's a lot
16 there --

17 Q. Maybe --

18 A. -- for me.

19 Q. Maybe we can break this down.

20 A. Okay.

21 Q. I think you testified previously that you were
22 not aware of any specific TV programming that had
23 been intercepted by any defendant, correct?

24 MR. LONSTEIN: Objection; asked and
25 answered.

1 A. Yes, I believe that's how I answered.

2 Q. Okay. So if you're not aware of any specific
3 programming, you wouldn't know whether, or when,
4 or how that programming was encrypted or
5 decrypted?

6 A. Correct.

7 MR. LONSTEIN: Objection.

8 BY MR. OVERHAUSER:

9 Q. So you don't know. Okay.

10 Are you aware of a meeting -- strike that.
11 Are you aware of a telephone conference call that
12 took place between any employees of DIRECTV
13 Lonstein Law Offices and Craig Spencer in either
14 March, April or May of this year?

15 MR. LONSTEIN: Objection to form,
16 objection to attorney work product privilege, to
17 the extent it exists. You can answer the
18 question.

19 A. I don't recall.

20 Q. Do you know whether such a phone conference
21 occurred?

22 MR. LONSTEIN: The same objection.

23 A. I don't know.

24 Q. Just so I'm clear, in preparing for this
25 deposition did you do anything to educate

1 yourself as to any communications that DIRECTV or
2 its counsel exchanged with Craig Spencer during
3 telephone conference calls between March 1st of
4 2015 and June 4th of 2015?

5 MR. LONSTEIN: Objection to form.

6 A. I did not.

7 Q. Why not?

8 A. I didn't think of it.

9 Q. When was the first time that you saw the topics
10 on the Notice of Deposition in Exhibit 1?

11 A. Probably a couple of weeks ago. I don't remember
12 the specific date.

13 Q. Can you tell me what efforts you took to prepare
14 yourself to address the topics on the Notice of
15 Deposition?

16 MR. LONSTEIN: Objection to form.

17 A. I met with counsel and they provided me a number
18 of documents for me to look at.

19 Q. One of the documents was a declaration of Craig
20 Spencer, correct?

21 MR. LONSTEIN: Objection to form.

22 A. Yes.

23 Q. And what other documents did you look at?

24 A. The auditor affidavits, some legal documents that
25 I'm not -- I don't know what specific legal

1 documents there were, but it was some of the
2 items that were produced in this case between the
3 two law offices.

4 Q. Was it a process where they were telling you what
5 information they wanted you to know, or was it a
6 situation where you were going through the
7 itemized list of topics and asking them for
8 information?

9 MR. LONSTEIN: Objection to form to the
10 extent it's privilege. You can answer.

11 A. I walked through the documents that they wanted
12 me to review.

13 Q. Did you go by each of the numbered points in the
14 topics for this deposition with them?

15 A. I believe we did.

16 Q. Are you sure that you did?

17 A. No.

18 Q. When you met with Mr. Green, was there any
19 discussion about phone conversations that he had
20 had with Craig Spencer?

21 MR. LONSTEIN: Objection to form,
22 content. You can answer yes or no.

23 A. No.

24 Q. Do you have an understanding as to whether or not
25 Chris -- I'm sorry, do you have an understanding

1 as to whether or not Craig Spencer was ever told
2 that he had been sued by William and Victor
3 Spina?

4 MR. LONSTEIN: Objection to form.

5 A. I believe I saw in one of the documents that
6 there was an exchange between Craig Spencer and
7 one of the Spinas, and I saw a text message that
8 had said something to the effect of: Did you sue
9 me?

10 Q. Have you had any discussions with DIRECTV
11 personnel about that issue?

12 MR. LONSTEIN: Objection to form.

13 A. Yes.

14 Q. And who were those conversations with?

15 A. On the DIRECTV side, with counsel, Chris, here
16 had -- I had asked him a clarifying question
17 about that, saying, was -- were those two
18 involved in a lawsuit with each other, and he had
19 indicated to me as no.

20 Q. The complaints in this action suggest that
21 sometimes persons sign up for a residential
22 DIRECTV account but then move the equipment to a
23 business in order to circumvent payment of higher
24 subscription fees.

25 MR. LONSTEIN: Objection to form.

1 BY MR. OVERHAUSER:

2 Q. Does DIRECTV have any information that that
3 occurred in this case?

4 A. I don't believe so.

5 Q. I'm real close to being done. This may be my
6 last question but I just want to make sure I got
7 it.

8 Do you have any -- do you know whether any
9 allegedly intercepted -- strike that. Do you
10 know whether any communication that DIRECTV
11 alleges to have been intercepted was decrypted or
12 encrypted?

13 MR. LONSTEIN: Objection to form.

14 A. In our Exhibit 2 that we have reviewed together
15 earlier this morning, we talked about DIRECTV
16 being encrypted and decrypted in the cycle of
17 people viewing the programming. So I would say
18 that in every instance that DIRECTV broadcasts
19 signal and people view it, there is an encryption
20 and a decryption that goes along with that.

21 Q. And what equipment decrypts the signal?

22 A. The DIRECTV receiver along with the smart card.

23 Q. Okay. So when the signal goes from the DIRECTV
24 receiver to the TV it would be decrypted?

25 A. I don't know.

1 Q. Well, if the receiver decrypts it, how could it
2 -- does it re-encrypt it to send it to the TV?

3 MR. LONSTEIN: Objection to form.

4 A. I don't know.

5 Q. So you don't know for sure whether the signals
6 that were allegedly intercepted were ever
7 decrypted?

8 MR. LONSTEIN: Objection to form.

9 A. What I think I started earlier this morning was,
10 I don't know the interaction between the DIRECTV
11 receiver and all televisions in the universe
12 about whether there's an encryption or a
13 decryption or some version of both of those that
14 happens between the receiver and the TV.

15 If somebody is viewing television and it is
16 attached to an activated DIRECTV receiver, there
17 probably is a safe assumption that it has been
18 decrypted along the way for that person to view
19 the DIRECTV signal.

20 Q. What payments has DIRECTV or its counsel made to
21 Kevin Karlak from January 1, 2014 to the present?

22 MR. LONSTEIN: Objection to form,
23 objection on a privilege basis. You can answer.

24 A. I don't know.

25 Q. Before coming here for this deposition, did you

1 undertake to try to educate yourself on what
2 payments DIRECTV or its counsel made to Kevin
3 Karlak from January 1, 2014 to the present?

4 MR. LONSTEIN: The same objection.

5 A. I did not.

6 Q. And why not?

7 A. I didn't think to do so.

8 Q. What damages does DIRECTV seek to recover in this
9 case?

10 MR. LONSTEIN: Objection; asked and
11 answered. If you know.

12 A. Based on my best ability to read the complaint,
13 it's the damages that are set forth in the
14 complaint.

15 Q. Okay. And is DIRECTV seeking to recover damages
16 to its reputation from the activities of the
17 defendants?

18 MR. LONSTEIN: Objection to form.

19 A. Could you point me to the correct document where
20 that might be asserted?

21 Q. Well, if we look at Exhibit 3 and flip to page
22 Number 8, paragraph 28 --

23 A. Okay.

24 Q. -- it mentions DIRECTV's goodwill and reputation
25 has been -- have been usurped. Do you see that?

1 A. Yes.

2 Q. So is DIRECTV trying to recover damages to its
3 goodwill and reputation?

4 MR. LONSTEIN: Objection; it calls for
5 a legal conclusion. You can ask if you know --
6 answer it if you know.

7 A. This says that DIRECTV's goodwill and reputation
8 have been asurped --

9 MR. LONSTEIN: Usurped.

10 A. Usurped, sorry. And I don't see specifically
11 here where we're trying to recover for that
12 goodwill or reputation in this paragraph here.

13 Q. Okay. But if we go back to page 11 --

14 A. Okay.

15 Q. -- subsection C and D, it does say that DIRECTV
16 is trying to recover actual damages, right?

17 MR. LONSTEIN: Objection to the extent
18 the documents speaks for itself. You can answer.

19 A. It says here: DIRECTV requests, as an
20 alternative, judgment for actual damages, plus
21 damages equal to any profits attributable to
22 Defendants' violations of 18 U.S.C. 2511.

23 Q. So if part of DIRECTV's actual damages include
24 damages to its reputation, it's trying to recover
25 them in this lawsuit; would you agree?

1 MR. LONSTEIN: Objection to the form of
2 the question.

3 MR. SMITH: I'm also going to object
4 because that misstates what's requested in
5 prayer.

6 MS. DeVORE: I join in the objection.

7 A. I don't know. I'm not an attorney.

8 Q. In preparation for this deposition, did you
9 endeavor to educate yourself as to the damages
10 DIRECTV is seeking to recover?

11 MR. LONSTEIN: Objection to the form.

12 A. No.

13 Q. Well, why not?

14 MR. LONSTEIN: The same objection.

15 A. I didn't think so -- to do so, and to me that's
16 our attorneys' job responsibilities.

17 Q. Well, you're DIRECTV's corporate representative.

18 MR. LONSTEIN: Objection;
19 argumentative.

20 Q. Right?

21 A. That is correct.

22 MR. OVERHAUSER: What are we on?

23 (Defendants' Exhibit No. 10 was marked
24 for identification.)
25

1 BY MR. OVERHAUSER:

2 Q. Let me hand you what's been marked as Exhibit
3 No. 10, which is a DIRECTV press release dated
4 December 28, 2006. It says the contact person is
5 Jade Ekstedt at the bottom. Do you know that
6 person?

7 A. I do.

8 Q. Okay. Were you familiar with this announcement
9 that DIRECTV programming would be available
10 through the Denver International Airport?

11 MR. LONSTEIN: Are you asking if he's
12 familiar with the document or the contents of the
13 document?

14 MR. OVERHAUSER: Neither.

15 MR. LONSTEIN: Neither? Objection to
16 the question. There's no question then.

17 MR. OVERHAUSER: Could you repeat the
18 question, please.

19 (The requested material was read back
20 by the court reporter.)

21 A. I was not.

22 Q. Okay. Do you know for a fact whether or not
23 DIRECTV programming is available through the
24 Denver International Airport?

25 A. I do not.

1 Q. Was DIRECTV requested to produce in this
2 litigation the agreement pursuant to which
3 DIRECTV programming would be made available at
4 the Denver International Airport?

5 MR. LONSTEIN: Objection to form.

6 A. I don't know.

7 Q. Would you agree that the Denver International
8 Airport is a public place?

9 MR. LONSTEIN: Objection to form.

10 A. Yes.

11 Q. And the first sentence here says that it has more
12 than 900,000 travelers expected to pass through
13 in the holiday season of December of 2006. Do
14 you see that?

15 A. I do.

16 Q. So would any of them have been able to see
17 DIRECTV programming at the airport?

18 MR. LONSTEIN: Objection to form.

19 A. It looks like they can, based on this document.
20 I don't have any actual witness of whether they
21 do or don't.

22 Q. Is it DIRECTV's position that travelers passing
23 through Denver International Airport that see
24 DIRECTV programming are authorized to see that
25 programming or unauthorized to see the

1 programming?

2 MR. LONSTEIN: Objection to form. If
3 you know.

4 A. I don't know.

5 Q. You don't know. So it's possible that all of
6 those travelers could be intercepting DIRECTV
7 signals when they see the programming at the
8 airport?

9 MR. LONSTEIN: Objection to form.

10 A. No. I just -- as I indicated before, I get
11 confused about the word "authorized." I would
12 say that they're legitimate viewers, based on
13 what this document says, is we have some sort of
14 agreement between DIRECTV and the Denver
15 International Airport and their audience that
16 passes through that airport.

17 Q. And their audience is the public, right?

18 A. It's the public that has travel documents that
19 allow them to pass through the Denver
20 International Airport.

21 Q. And other members of the public, right?

22 MR. LONSTEIN: Objection to form.

23 MR. OVERHAUSER: I have no further
24 questions at this time.

25 MR. LONSTEIN: Counsel, I defer to your

1 local wisdom, knowledge.

2 MR. SMITH: Well, given the fact that
3 the attorney who represents DIRECTV in my lawsuit
4 is not present, I'm a little uncomfortable asking
5 questions of this witness. So I would suggest
6 that if we need to ask questions of this witness
7 that we will contact you and hopefully you remake
8 him available in our lawsuit, or the lawyer who
9 is representing DIRECTV in our lawsuit will agree
10 to make him available.

11 MR. LONSTEIN: I certainly think that
12 that's a sound position because it's beyond my
13 issues in the federal court case anyway, and
14 unfortunately, the circumstances were a little
15 bit short notice so we can't do that.

16 From the perspective of Plaintiff, we don't
17 have any redirect questions of Mr. Mader. So
18 thank you very much --

19 MS. DeVORE: Owners --

20 MR. LONSTEIN: -- at this time.

21 MS. DeVORE: I'm sorry. Owners would
22 just join in with the same circumstances as the
23 state lawsuit --

24 MR. LONSTEIN: And --

25 MS. DeVORE: -- as stated.

1 MR. LONSTEIN: -- I just want to put on
2 the record that to the extent that any
3 information was mentioned in this deposition or
4 any documents shared, that we not disseminate it
5 to any third parties until such time as the
6 appropriate protective orders are in place for
7 all parties to the litigation.

8 MR. SMITH: That is agreeable with us.

9 MR. OVERHAUSER: For the record --

10 MS. DeVORE: And with us.

11 MR. OVERHAUSER: -- do you claim that
12 any documents that have been made an exhibit are
13 confidential?

14 MR. LONSTEIN: I don't know. And I
15 don't know whether testimony -- there are legal
16 considerations I can't answer to at this point,
17 so I don't want to waive any possible rights or
18 privileges that my client may have with respect
19 to any testimony or documents. I think the sound
20 thing is to make sure that's in place and that
21 we're all comfortable, including your clients.


22 MR. OVERHAUSER: Thank you.

23 MR. LONSTEIN: Thank you very much.

24 (Proceedings conclude at 1:07 p.m.)

25

1 AND FURTHER THE WITNESS SAITH NOT.
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KENT MADER

STATE OF INDIANA)
)
COUNTY OF MARION)

CERTIFICATE OF COURT REPORTER

I, Tracie L. Reemer, a Notary Public at large in and for the State of Indiana, do hereby certify that KENT MADER, was by me first duly sworn to tell the truth in the above entitled cause of action; that the foregoing deposition was taken on behalf of the Defendants at the dates and times mentioned herein.

I further certify that said deposition was taken down in shorthand notes and afterwards reduced to typewriting by me and that the typewritten transcript is a true and complete record of the testimony given by said witness.

I do further certify that I am a disinterested person in this cause of action; that I am not a relative or attorney of either party or otherwise interested in the event of this action, and I am not in the employ of the attorneys for either party.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 11th day of January, 2016.

Tracie L. Reemer
Tracie L. Reemer
Notary Public *Ly*

My Commission Expires:
December 2, 2016

County of Residence:
Marion County